



Frequently Asked Questions

(And answers from the
State Court Administrative Office
Friend of the Court Bureau)

FAQ 2024-02

March 5, 2024

Friend of the Court Offices Referring Domestic Relations Cases to Mediation Centers

This FAQ answers common questions and clarifies policy related to [SCAO Administrative Memorandum 2019-05](#), Implementing Friend of the Court (FOC) Alternative Dispute Resolution (ADR) Plans. If the court or FOC staff have any questions or would like additional information or clarification on Administrative Memorandum 2019-05 or [MCR 3.224](#), please contact Tim Cole at colet@courts.mi.gov, FOCBInfo@courts.mi.gov, or (517) 373-5975.

- 1. Q. Are FOC offices required to provide mediation?**
 - A.** Yes. [MCR 3.224](#) and [MCL 552.513](#) both require FOC offices to provide friend of the court domestic relations mediation. The mediation must be included in the FOC's ADR Plan/Local Administrative Order. FOCs will need to obtain a court order for mediation.¹
- 2. Q. Does MCR 3.224 and MCL 552.513 require the mediation to be provided by an FOC employee?**
 - A.** No. The mediation does not have to be provided by an FOC employee.
- 3. Q. Can the FOC refer domestic relations cases to a Community Dispute Resolution Program (CDRP) Mediation Center?**
 - A.** Yes. FOCs referring cases to a CDRP meet MCR 3.224 and MCL 552.513 requirements. The FOCs must obtain a court order for mediation before referring the domestic relations case to the center.
- 4. Q. Do volunteer mediators at the Center meet the SCAO's qualifications to provide mediation?**
 - A.** Yes. MCR 3.224 requires FOC mediation be provided by a mediator who meets the SCAO qualifications. All Center volunteer mediators have attended the SCAO approved

¹ MCR 3.224(C)(1): On written stipulation of the parties, on written motion of a party, or on the court's initiative, the court may order any contested custody, parenting time, or support issue in a domestic relations case, including postjudgment matters to the friend of the court mediation by written order.

48-hour domestic relations mediation training programs and met additional SCAO qualifications.

5. Q. Is the FOC or the Center responsible for domestic violence screening before the domestic relations case is mediated?

- A. Both the FOC and Center are responsible for conducting domestic violence screening on domestic relations cases before mediation.

FOCs must use the SCAO Domestic Violence Screening Protocol [FOC 124](#) before mediation is conducted. If there are indications of domestic violence, and if the survivor still wants to proceed with mediation, the domestic violence survivor must sign a consent form to participate in mediation and additional safety precautions must be taken. The FOC should inform the Center if domestic violence issues are present in the case. However, due to safety concerns the Center may decline to provide the mediation.

The Center must follow the SCAO approved [Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts](#) for initial and ongoing screening throughout the process.

6. Q. Is the FOC or the Center responsible for completing the required Mediation Status Report ([MC 280](#))?

- A. The Center is responsible for completing the MC 280 Mediation Status Report.

7. Q. If the parties reach an agreement will the FOC or the enter prepare the agreement?

- A. Who prepares the agreement should be discussed between the center and the FOC. Many Centers will write a mediation or settlement agreement and ask the parties to sign and initial at the bottom indicating it may be forwarded to the FOC. The FOC then turns it into a court order upon court approval.

However the agreement needs to be prepared on the [FOC 89a](#) when presented to the court for signature.

8. Q. What is MI-Resolve Family?

- A. [MI-Resolve Family](#) is a free, online, asynchronous system designed to help families work together to create new parenting time agreements, revise current agreements, or create a plan to make up missed time with their children.

After a referral is made to a Center, the Center will perform intake and domestic violence screening with the parents involved in the case. If the case is determined to be appropriate for MI-Resolve Family, the Center will email an invitation link to the parties to register on the system and join a trained mediator online to work through the matter. If the issue is amenable to mediation, but not a good fit for MI-Resolve, the Center may invite the parties to participate in a mediation held in person, on Zoom, or by teleconference instead.

The SCAO has prepared short informational videos that may also be shared with parties about the MI-Resolve Family System. FOCs may include these links in materials given to parties or on their website:

[MI-Resolve Family System \(courts.mi.gov/MIRFamily\)](https://courts.mi.gov/MIRFamily)

[Who is the Mediator? \(courts.mi.gov/MIRresolveMediator\)](https://courts.mi.gov/MIRresolveMediator)

MI-Resolve Family rack cards and family ADR brochures are also available. Contact CDRP@courts.mi.gov for more information.

9. Q. What types of case issues are appropriate to refer to MI-Resolve Family?

- A. Examples of parenting time issues or complaints that may be suitable for mediating on the MI-Resolve Family System include:
- First parenting time complaint in the case.
 - Parenting time location changes; change to a neutral location for exchanges.
 - Parenting time transportation – specified, modified from current order and/or to include transportation by 3rd party.
 - Shuttling child’s clothes, toys, electronics between households.
 - Make-up parenting time details that need to be worked out (comparable time awarded for missed time) already memorialized in an order.
 - Parenting time order states parenting time “as the parties agree.”
 - Parenting time that needs to be phased in because the parent who does not have custody has not seen child in over a year. Re-establishing relationship between child and parent after a lengthy disruption in contact (establishing parenting time, start and transition dates).
 - Parenting time issues if child is over 16 years old (is child self-transporting, are dates/times more flexible based on child’s school, work, extracurricular activities).
 - Joint legal custody issues: disputes over daycare provider, orthodontia, medical testing/medication, COVID and other vaccines, other medical disputes, school choice issues.
 - Medical bills the FOC will not enforce when: one year after the expense was incurred, or six months after the insurer's final denial of coverage for the expense or six months after a default in a repayment agreement –Often, it’s a matter of providing evidence of proof of payments and then setting up a payment plan for reimbursement.

10. Q. If the Center provides MI-Resolve Family online mediation, does that meet the requirement for FOCs providing mediation?

- A. Yes. MI-Resolve is a form of mediation and thus meets the requirement set forth in MCR 3.224 and MCL 552.513.

11. Q. Is there additional information available about FOCs referring domestic relations cases to Centers?

- A. Yes. To assist FOCs in referring domestic relations cases to the Centers, the SCAO has prepared the following webinar: [Proper Procedures for Referring Domestic Relations Cases to the Community Dispute Centers by Friends of the Court](#)

Additional Resources

[Find Your Local Community Dispute Resolution \(CDRP\) Mediation Center \(courts.mi.gov/CDRPCenters\)](https://courts.mi.gov/CDRPCenters)

[Printable CDRP Center Contact List \(PDF\)](#)