

**Form FOC 10 / 52
or Form FOC 10a / 52a**

UNIFORM CHILD SUPPORT ORDER

Use this form if:

- you had a hearing on your Motion Regarding Support (form FOC 50) and both you and the other party (and a third party) agree to sign the order without another hearing; or
- you had a hearing on your Motion Regarding Support (form FOC 50) and the other party (and a third party) will not sign the order; or
- you and the other party (and a third party) have agreed on the support and want the court to sign your proposed order without having to file a motion and attend a hearing on the motion.

Form FOC 10 / 52 or FOC 10a / 52a is also to be used along with Form FOC 89.

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies of the form? YES
3. Get the judge's signature? (NOTE: See pages 3-5 for details) YES
4. Return to the clerk's office with **all** copies of the signed order? YES
5. Make sure the clerk stamps all copies of the signed order? YES
6. Keep one copy of the signed order for yourself? YES
7. Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? YES
8. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the support you want. **Note:** Regardless of the amount of support you ask for, the court is required to use the child support formula in deciding what support should be, unless the court finds that using the formula would be unjust or inappropriate. If you filed the motion form FOC 50, you are responsible for preparing the order even if it is not what you asked for.

If you have any questions about the steps in the process, refer to pages 3 through 5 of this booklet for details.

What instructions are in this packet:

Pages 3 and 4 - Instructions for getting a stipulated (mutually agreed upon) order signed.

Page 5 - Instructions for getting an order signed after a hearing.

INSTRUCTIONS FOR GETTING A STIPULATED (MUTALLY AGREED UPON) ORDER SIGNED (when both parties have signed the order without a hearing)

»» SIGNING AND FILING ORDER

NOTE: A hearing on a stipulated order is not necessary unless the judge requests it.

1. Fill out the order form.

Use the instructions on page 6. Be careful not to make mistakes.

Make at least five copies of the form after you have filled it out.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by the friend of the court. Then complete either step a or b below.

a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call the office to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.

b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order to the judge and get signed copies.

Since the other party or third party has signed the order, contact the clerk of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask how to get at least four copies of the order after it is signed by the judge.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) one copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 10 / 52 or FOC 10a / 52a - for the other party

Two copies of FOC 10 / 52 or FOC 10a / 52a - for proof of service

Any additional copies of FOC 10 / 52 or FOC 10a / 52a - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy to the other party. If there is a custodian or guardian, mail one copy to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the order and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The clerk will deliver one copy to the friend of the court.

INSTRUCTIONS FOR GETTING THE ORDER SIGNED AFTER A HEARING

»» SIGNING AND FILING AN ORDER

1. Fill out the order form.

Normally you will fill out the order at the hearing on the motion. Use the instructions on page 6. Be careful not to make mistakes.

Make copies of the form based on the instructions on page 3 of either this booklet or the booklets for forms FOC 53 or FOC 54, depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Call the friend of the court office and ask if the order must be approved by the friend of the court. Then complete either step a or b below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call the office to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.
- b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order signed by the judge.

After you have filled out the order, you must have it signed by the judge. If both you and the other party sign the order to show you both approve the order, then go to pages 3 and 4 of this booklet for further instructions on getting the order signed by the judge. Otherwise you must do either of the following:

- a. Schedule and attend a hearing to get the order signed.
(Use packet for form FOC 53, Notice of Hearing to Enter Order.)
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.
(Use packet for form FOC 54, Notice to Enter Order without Hearing.)

INSTRUCTIONS FOR COMPLETING “UNIFORM CHILD SUPPORT ORDER”

Please print neatly. After filling in the form, you will need to make copies.

All items must be completed before the order can be given to the judge for his/her signature. Then fill in the correct information for each item on the form.

Before you fill in the Case No., get your copy of the Motion (form FOC 50 or form FOC 87) or your court papers for divorce, separate maintenance, paternity, or family support. Copy the Case No. from that paper onto both pages of this form.

Also use the motion or other court papers to fill in the “Plaintiff” and “Defendant” boxes. Copy the names from the motion or other court papers onto both pages of this form. For example, if your name is in the box that says “plaintiff,” then you should write your name in the “plaintiff” box on this order form.

If there was a hearing, fill in the information based on what the judge or referee ordered at the hearing on the motion. If you and the other party are stipulating to the order, you have both agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must fill in exactly what you agree on. Make sure you include everything you agreed on. Anything that you do not write down on this form will not be ordered even if you and the other party had agreed on it. **Note that the most recent support order supersedes all prior orders regarding support and that all continuing support provisions must be restated in the most recent order.**

If you filed a motion (form FOC 50 or form FOC 87) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign the order. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

If you and the other party are stipulating to the order, you both must sign the order.

Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, contact the friend of the court office. If it is required, see either page 3 or 5 of this booklet for directions on getting the friend of the court’s approval.

To find out how to get the order signed, see either page 3 or 5 of this booklet for details.

On the date you serve a copy on the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies.

You must read this booklet and other publications, such as the Michigan Child Support Formula Manual and the Friend of the Court Handbook, for assistance with the legal process.