

OBJECTIONS FAQ SHEET

Medical

I received a notice from the friend of the court that says I am responsible to pay a percentage of uninsured medical expenses for my child. I do not agree with the dollar amount or do not agree with the services that were performed and don't think I should have to pay them. How do I object to this?

You must send a written statement to the friend of the court within 21 days of the date the form was mailed to you and the friend of the court will then schedule a hearing for the court to consider your objection reasons and make a ruling. The written statement must specify what you are objecting to, including the date of the ruling/document, and the reason for your objection.

I received notice from the friend of the court that I must carry health insurance on my child. I cannot afford health insurance, what can I do?

Write to the friend of the court asking for a review of your requirement to carry health insurance based upon reasonable cost. The friend of the court will then contact your employer requesting them to provide documentation regarding your wages and the cost of the insurance. After review, the friend of the court will send its written findings to both parties. If the friend of the court determines the health care coverage cost is unreasonable, the employer will be notified to disregard the notice to enroll the child.

I received notice from the friend of the court that I must carry health insurance on my child. My husband/wife (step parent) carries insurance; do I have to have insurance too?

No, send a written statement referencing the notice and provide proof of insurance via copy of the insurance cards to the Friend of the Court.

I received notice from the friend of the court that I must carry health insurance on my child. The child is covered by the other parent; do I have to carry insurance too?

Not if the other parent notifies the friend of the court in writing and provides copies of their insurance cards proving the child is covered. The friend of the court will then prepare a consent order that will be sent to both of you to sign and return to the friend of the court.

Support Modification

I received a recommendation from the Friend of the Court for a change in child support and I don't agree with it, what should I do?

If you disagree with the Friend of the Court recommendation, you can file a written objection within 21 days of the date it was mailed to you. The written objection must be filed with the Circuit Court Clerk with a copy sent to the Friend of the Court, Support Investigations Unit, and a copy to the other party. The written objection must specify to what you are objecting, including the date of the recommendation and the reason for your objection. Upon receipt of the copy of your objection by the Friend of the Court, an appointment for a joint meeting (conciliation conference) with the Support Investigator will be set up. You will be advised by letter of the date and time of the meeting. The intent of the meeting is to explain the recommendation and the Michigan Child Support Formula. If, after the conciliation conference, the parties agree with the recommendation, the order will be sent to the assigned Judge for entry by the court.

It is important to understand that the Friend of the Court must recommend and the Court must order child support that complies with the Michigan Child Support Formula. Any deviation from the Formula amount must be documented on the record and explained in a court order.

If you still disagree with the recommendation after the conciliation conference, a hearing will be set for you before the Family Division Referee. You will receive a notice of this hearing in the mail. You must attend the hearing to tell the referee why you disagree with the recommendation, otherwise the recommendation will become an order of the court.

Income Withholding

I received an income withholding order and the amount collected on arrears is too high, what can I do?

Did the form that accompanied the income withholding say that your arrears were administratively adjusted per guideline and that you could object?

- a) **Yes.** Then you may contact the friend of the court in writing asking for relief. You must indicate why you feel the administrative amount being collected is incorrect by stating a mistake of fact, identity, or the reason you feel the amount is unjust or inappropriate. The friend of the court will review your objection and make an administrative determination. If you disagree with their written review, you then will have 21 days to file a written objection requesting a hearing.
 - b) **No.** Then your recourse is to file a motion and ask the court to judicially set your arrears payment amount. There are no forms available from the Friend of the Court to assist you in filing a motion for arrears modification. If you have had a change in circumstances and have a current support obligation, you may wish to ask the court to review your arrears repayment in addition to that obligation. You may file a motion to ask the court to modify your support by either contacting an attorney or by using pro per support modification forms which you may obtain from the friend of the court. You may also request a child support review from the friend of the court.
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Referee Hearing

I went to a hearing before a Referee and I just received an order that I do not agree with, what can I do?

Does the Order say "INTERIM EFFECT OF REFEREE'S DECISION?" Followed by a Certificate of Mailing?

- a) If yes then you must file a motion to set aside the referee recommendation with the Circuit Court Clerk. Forms to file a motion to set aside are available at the Circuit Court Clerk or at the Friend of the Court. Bring the order you are objecting to, with you, when you file your objection. The written objection must specify what you are objecting to, including the date of the ruling/document, and the reason for your objection.
- b) If the order does not have such a paragraph then it is not an order you can file a motion to set aside.

Does the order say "The attached order will be submitted to the assigned Family Division Referee for approval and for entry by the Court if there are no objections filed within 7 days of the service of this notice?"

- a) If yes, then the only grounds for filing an objection are to address the accuracy or completeness of the proposed order, not the actual finding of the Referee. You must file an "Objection to entry of order MCR 3.215 Referee 7-Day Rule." This form, along with instructions is available at the Circuit Court Clerk or the Friend of the Court.