

**37th Judicial Circuit Court
Family Division
Friend of the Court**

**How to fill out the Pro Per
Stipulated Motion and Order for
Credit/Discharge of Arrears**

Current as of 05/2012

This presentation is designed to assist you in understanding how to fill out the blue Pro Per Packet Entitled: **Stipulated Motion and Order for Credit/Discharge of Support Arrears.**

You will need to obtain the following items in order to complete this packet:

1) A copy of the blue Pro Per Packet Entitled: **Stipulated Motion and Order for Credit/Discharge of Support Arrears.** This is available free of charge from the Calhoun County Friend of the Court Office or on the web at:
www.calhouncountymi.gov/Departments/FriendOfTheCourt/Forms.html

2) A copy of your court papers from your divorce, separate maintenance, custody, paternity, support or eligible interstate case. (To determine if your case is an eligible interstate case contact the Friend of the Court Office at 269-969-6500)

3) If you do not have a copy of the court papers from your divorce, separate maintenance, custody, paternity, support or eligible interstate case you may be able to obtain a copy of the order by contacting the Circuit Court Clerks Office.

4) If you are forgiving a specific amount, you may wish to contact the FOC and obtain an accurate arrearage balance. If you do, please advise them that you are asking for the total for the motion to credit arrears.

The next two slides will guide you through the process of filling out the page entitled:

**Stipulated Motion & Order To
Credit/Discharge Support Arrears**

1) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM

2) Write or type the Plaintiff's name, address and telephone number.

Write or type the defendant's name, address and telephone number

3) Write or type the name of the Assigned Judge. Example: Hon. Stephen Miller

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	STIPULATED MOTION AND ORDER TO CREDIT/DISCHARGE SUPPORT ARREARS	CASE NO: ①
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Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014-4066

Court Telephone: (269) 969-6518

② Plaintiff's name, address and telephone number

V

Defendant's name, address and telephone number

③ Assigned Judge: Hon. _____

NOW COME the parties, appearing in Pro Per, and in support of their Stipulated Motion and Order to Credit/Discharge Support Arrears, state as follows:

- ④ 1. There is a support arrears owed to the Plaintiff, Defendant, Non-Party Payee.
- ⑤ 2 a. The payer and payee agree that \$ _____ should be credited against the child support owed.
 - b. All child support owed to the named party shall be forgiven.
- 3. The payee is not acting under fear, coercion or duress.
- 4. The accrual of the arrears was not caused by the payer intentionally avoiding his/her support obligation.
- 5. Forgiving or crediting the arrears will not be contrary to the best interest of the child/ren.
- 6. The parties understand that once the arrears owed are credited or discharged, they cannot be reinstated and will be forever discharged.
- 7. All fees and service charges have been paid.

WHEREFORE, the undersigned request that the court enter an order granting relief from the support arrears as indicated above.

I declare that the above statements are true to the best of my information, knowledge and belief.

⑥

Date

Signature of Plaintiff (Required)

Date

Signature of Defendant (Required)

Date

Signature of Non-party Payee (Required, if applicable)

ORDER

It is ordered that pursuant to the stipulation between the parties in this case, based upon their representations, child support is discharged pursuant to the parties' agreement. Any remaining arrears shall continue to be paid at the current rate.

Date

Assigned Judge

The assigned Judge has determined that this matter must be scheduled for a hearing before the assigned Family Division Referee. [Court staff, please forward to the assigned Referee Assistant for scheduling and notice.]

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties and their attorney by first class mail addressed to their last known addresses as defined in MCR 3.203.

Date

Signature

4) Select the box identifying whom the support arrears are owed.

5) Write or type the amount of money to be credited or discharged, or circle 2b if all arrears to that party should be forgiven.

6) The plaintiff and the defendant (and the Non-party payee if applicable) sign and date the motion.

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Court Telephone: (269) 969-6518

② Plaintiff's name, address and telephone number

V

Defendant's name, address and telephone number

③ Assigned Judge: Hon. _____

NOW COME the parties, appearing in Pro Per, and in support of their Stipulated Motion and Order to Credit/Discharge Support Arrears, state as follows:

- ④ 1. There is a support arrears owed to the Plaintiff, Defendant, Non-Party Payee.
- ⑤ 2 a. The payer and payee agree that \$ _____ should be credited against the child support owed.
- b. All child support owed to the named party shall be forgiven.
- 3. The payee is not acting under fear, coercion or duress.
- 4. The accrual of the arrears was not caused by the payer intentionally avoiding his/her support obligation.
- 5. Forgiving or crediting the arrears will not be contrary to the best interest of the child/ren.
- 6. The parties understand that once the arrears owed are credited or discharged, they cannot be reinstated and will be forever discharged.
- 7. All fees and service charges have been paid.

WHEREFORE, the undersigned request that the court enter an order granting relief from the support arrears as indicated above.

I declare that the above statements are true to the best of my information, knowledge and belief.

⑥

Date

Signature of Plaintiff (Required)

Date

Signature of Defendant (Required)

Date

Signature of Non-Party Payee (If Applicable)

It is ordered that pursuant to the stipulation by _____ support is discharged pursuant to the parties' agreement.

Date

The assigned Judge has determined that this matter must please forward to the assigned Referee Assistant for scheduling.

CE

I certify that on this date I served a copy of this order addresses as defined in MCR 3.203.

Date

To obtain an exact arrearage balance, contact the FOC and let them know it's for this motion.

The next two slides will guide you through the process of filing the motion and order:

**Stipulated Motion & Order To
Credit/Discharge Support Arrears**

Now that you have completed the document you need to complete the following steps:

- 1) Make 4 copies of the **Stipulated Motion and Order To Credit/Discharge Support Arrears**
- 2) Keep one copy for your records.
- 4) Mail or drop off a copy to the Friend of the Court for approval.
Friend of the Court-Order Approval Department
161 East Michigan Avenue
Battle Creek, MI 49014-4066
- 5) Mail or drop off the original and two copies along with the filing fee of \$20.00 to:

37th Circuit Court Clerk
161 East Michigan Avenue
Battle Creek, MI 49014-4066

What happens next?

In some cases the court may determine that the parties will need to appear in court before the assigned Family Division Referee. If this happens in your case, you will receive a Notice to Appear. Both the parties and or the non-party payee (if applicable) will need to appear in court for the hearing.

Upon receiving a signed copy of the order you must provide service to the other party and file the certificate of mailing with the court.