

TERMS

THIS PAGE IS A SAMPLE OF FREQUENTLY USED TERMS BY THE FRIEND OF THE COURT AND THE COURT SYSTEM.

Adjournment - Postponing a hearing until a later time or date.

Alimony / Spousal Support - Money paid to support a spouse or former spouse. Not a payment to a minor.

Arrearage - A total of payments that are unpaid and overdue.

Bench Warrant / BW - A court order to arrest a person and bring that person before the court that issued the warrant.

Case / Docket number - The number assigned to a case. This number is the same for the friend of the court case and the file kept at the Clerk's office. The case/docket number begins with the year the case was filed with the court. The number remains the same until the case is closed.

Child Abuse / Neglect - Child abuse/neglect is the mistreatment (physical, mental or emotional abuse) of a minor by an adult. Reports of suspected child abuse should be reported to the county DHS agency, Office of Children Protection Services, in the county where the suspected abuse occurred.

Child Support - Child support is the payment of money for the support of a child in a Divorce, Paternity or Family Support Act proceeding. Support includes but is not limited to health care, childcare, and educational expenses.

Department of Human Services / DHS - The state agency that provides public assistance to families. The Protective Services Unit and the Office of Child Support are parts of DHS.

Domestic Relations Action - Any litigation involving divorce, paternity, custody, parenting time, or support.

Emancipation - When a minor on a domestic relations case has turned 18 and is not attending high school as a full time student. The minor has no reasonable expectation of completing sufficient credits to graduate but in no case after child reaches 19 years and six months of age. Child support stops at the time of emancipation. Any arrears owed will continue to be enforced.

Domicile - The permanent home to which a person, even when temporarily living elsewhere, always intends to return.

Ex Parte Order - Temporary orders entered at the request of one party before any formal hearing. A judge may enter an ex parte order when the judge believes that serious harm will occur if the judge delays acting until a hearing can be held. Attorneys may present the Ex Parte

order to the judge.

Friend of the Court / FOC - An office that assists the circuit court's family division. The office investigates, makes recommendations, and helps enforce court orders that affect minor children. "Friend of the Court" also is the formal title of the person in charge of that office.

Joint Custody - A custody arrangement in which the children either:

1. live primarily with one parent, although both parents participate in major decisions affecting the children (called "joint legal custody"); or
2. live with each parent for extended periods and both parents participate in the major decisions (called "joint physical custody").

Jurisdiction - The extent of a court's power to decide cases that come before it. Whether a court has jurisdiction over a case depends on the type of case and on the parties' connections to the county where the court is located.

Imputation - When a FOC investigation shows voluntary reduction of income or where there is voluntary unexercised ability to earn, the office must use a wage that reflects earning capacity.

Michigan Court Rule - Michigan Court Rules are procedures established by the Supreme Court for judges, domestic relations referees, and friends of the court to abide by.

Motions / Petition - A formal written request that a court take a specified action. Request for a hearing date and time.

OPT Out - To remove your case from the FOC. No involvement with the FOC for enforcement of support, custody, parenting time and medical orders.

Order - A written decision of the court signed by a Judge.

Party - A lawsuit's plaintiff or defendant.

Payee - The person or agency entitled to receive support payments. Also known as the custodial parent (CP)

Payer - The person who must pay support. Also known as the non custodial parent (NCP).

Plaintiff / Defendant - Plaintiff is the person who is filing the "Complaint" (case). Defendant is the person the case is being brought against.

Pro-Per Motions/Petitions - A Pro-Per Motion/Petition is a formal written request to the judge to modify an order by someone who is not represented by an attorney. This must be filed with the court and served on the other party.

Reconciliation / Dismissal - When parties to a domestic relations action work out their differences and decide to remain together as a family unit. All court actions will terminate.

Retroactive - When the child support order begins charging support back to a previous date other than the date of Judge's signature on the order. Usually the date of the Petition/Motion.

Show Cause Hearing - A court hearing at which a person must respond to a charge that he/she violated a court order. Also known as a "Contempt of Court" hearing.

State Disbursement Unit - A state office that collects and distributes the support payments required by the court order.

Stipulated Order (Stip) - Both parties agree to specific terms for support, custody and parenting time. Signatures from both parties are required on the order and it is then signed by a judge. A hearing is not needed for a Stip Order.

TANF - Temporary Assistance for Needy Families, A joint federal-state program formerly known as Aid to Families with Dependent Children (AFDC or ADC). In Michigan, TANF is also known as the Department of Human Services (DHS)

Temporary Order - A temporary order: Before a final order is signed by judges they may sign a document that determines temporary custody, parenting time, and child support.

Waive - To give up a right, claim, or privilege.