



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

VIRGIL C. SMITH
CHIEF JUDGE

(313) 224-5430

DOCKET DIRECTIVE 2013 – 26

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: Domestic Relations Actions

This Docket Directive is issued pursuant to MCR 8.110 and MCL 552.507(2), and is necessary to ensure the orderly assignment of the business of the Court.

This Docket Directive rescinds and replaces Docket Directive 2013-06.

IT IS ORDERED THAT:

Effective immediately

I. Domestic Relations Motions:

A. Motions and Praecipes, Generally; Filing Fees:

1. Attorneys and litigants must file a separate motion and praecipe for motions to be scheduled before the assigned Judge, see Section I(C)(1), and for motions or other proceedings to be scheduled before a Friend of the Court Referee, see Section I(C)(2). **If litigants wish to schedule a motion or other action before a Friend of the Court Referee, they must have an active Friend of the Court case. If they have opted out of Friend of the Court services, they will first need to reopen their Friend of the Court case, see Section III below.**

2. If more than one motion is filed in the same case at the same time, only one motion fee will be charged.

3. When attorneys or litigants file motions regarding parenting time, child custody, or child support issues, a copy of the most recent order regarding the issue raised in the motion **MUST** be attached. Child support motions must be accompanied by the supporting documentation specified in the Friend of the Court support modification motion packet (Friend of the Court Form FD/FOC 4035).

4. No motion or filing fee is required for in pro per litigant matters heard on the Referee Consent Docket, which is described below in Section II.

B. Filing Location: All motions filed in domestic relations cases shall be filed in the Office of the County Clerk located in Room 201, Coleman A. Young Municipal Center, Two Woodward Avenue, Detroit, Michigan. **No motions may be filed at the Friend of the Court.**

C. Scheduling: Upon filing, motions must be scheduled to ensure that they are set for hearing by a Judge or Referee; the following procedures must be followed to assure that a motion is properly scheduled for hearing.

1. Judge Motions: Unless otherwise ordered, all motions that **do not** appear in the Table of Motions and Other Proceedings to be Scheduled Before a Friend of the Court Referee, see subsection (2) below, shall be scheduled before the assigned Judge. For example, grandparenting time motions do not appear on the FOC Referee Motion Table and so must be scheduled before the assigned judge unless otherwise ordered. Further, **at the direction of the assigned Judge**, any motion or other action listed in the Table of Motions and Other Proceedings to be Scheduled before a Friend of the Court Referee may be scheduled before the Judge.

a. Copies of all motions to be heard by the assigned Judge must be delivered to the courtroom of the Judge for scheduling on the Judge's docket. Per MCR 2.119(A)(2), the copy of the motion shall be labeled, "JUDGE'S COPY," and shall otherwise conform to the requirements of MCR 2.119(A). **Failure to deliver a copy to the Judge's courtroom may result in the motion not being heard.**

2. Referee Motions: Motions and other proceedings that will be heard by a Friend of the Court Referee must be scheduled for a Referee hearing at the Friend of the Court Scheduling Office (Room 900A, Coleman A. Young Municipal Center, Two Woodward Avenue, Detroit, Michigan).

a. Types of Motions and Other Proceedings to be Scheduled before Referees: The following motions and other proceedings must be scheduled before a Friend of the Court Referee **unless otherwise directed by the assigned Judge**:

Motions and Other Proceedings to be scheduled before a Friend of the Court Referee

	Pre-judgment Motions	Post-judgment Motions
Child Custody	Objections to Ex Parte Custody Orders	Initial Proper Cause or Change in Circumstances Determination for Change of Custody (including evidentiary hearings for uncontested child custody motions)
	Motions regarding Temporary Physical/Legal Custody	Consent Docket: ¹ In Pro Per Consent Agreements for Change of Physical or Legal Custody or Change of Domicile (no Motion required)
	Motions regarding Issuance of Passports for Minor Children	Motions regarding Issuance of Passports for Minor Children
Child Support	Objections to Ex Parte Support Orders	Medical Support Enforcement
	Motions for Temporary or Interim Child Support	Motions for Post-Judgment Modifications of Support Orders
	Motions by In Pro Per Litigants for Child Support	In Pro Per Consent Requests for Change of Child Support (cannot be handled on Consent Docket)
	Enforcement of Child Support Orders (other than motions to show cause)	Enforcement of Child Support Orders (other than motions to show cause, writs of execution/orders to seize property, challenges to the issuance, or execution of writs of execution/orders to seize property) ²
		Consent Docket: ³ In Pro Per Consent Requests for Direct Credits of Support Arrearages
Spousal Support	Motions for Temporary Spousal Support on DM or DZ cases when there are minor children	Consent Docket: ⁴ In Pro Per Consent Requests for Spousal Support Termination or Modification on DM or DZ cases when there are minor children (no Motion required)

¹ See Section II for further explanation of the Referee Consent Docket.

² See Section IV for further explanation of the enforcement of child support by writs of execution/orders to seize property.

³ See Section II for further explanation of the Referee Consent Docket.

⁴ See Section II for further explanation of the Referee Consent Docket.

	Pre-judgment Motions	Post-judgment Motions
Parenting Time	Motions for Modification of Parenting Time Order	Motions for Modification of Parenting Time Order
	Request for Parenting Time Enforcement (must use Third Circuit Court Form FD/FOC4052; no motion fee required)	Request for Parenting Time Enforcement (must use Third Circuit Court Form FD/FOC 4052; no motion fee required)
	Motions to Enforce Parenting Time	Motions to Enforce Parenting Time
	Objections to Ex Parte Orders	Consent Docket: ⁵ In Pro Per Consent Requests for Parenting Time Modifications (no Motion required)
	Motions for Temporary Parenting Time Orders	
All Other Matters	Motions to Modify Income Withholding Orders	Motions to Modify Income Withholding Orders
	Motions regarding Other Financial Aspects of Support in cases with minor children (including passport revocation issues, medical coverage and expenses, license suspension and reinstatement, account financial reviews, arrearages, and direct credit issues)	Motions regarding Other Financial Aspects of Support in cases with minor children (including passport issues, medical coverage and expenses, license suspension and reinstatement, account financial reviews, arrearages, and direct credit issues)
	Motions to Opt out of Friend of the Court system	Motions to Opt Out of Friend of the Court System
	Motions to Maintain Financial Status Quo in cases with minor children	Consent Docket: ⁶ In Pro Per Consent Requests regarding other appropriate issues (such as changes in income withholding)

II. **Referee Consent Docket:** If in pro per litigants reach consent agreements on certain issues, they may use the Referee Consent Docket to finalize their agreement in a Court order. To be heard on the Referee Consent Docket, **both parties must be present** on the second floor of the Penobscot Building at 8:00 a.m. on any **Wednesday or Friday**. No appointments can be scheduled for the Referee Consent Docket, which is handled on a “first come, first served” basis. Up-to-date recorded information on the Referee Consent Docket hearing schedule will be available by telephone before 8 a.m. on Wednesdays and Fridays. Litigants should call (313) 224-0155 to access the recorded information before coming down to the Court.

III. **Reopening Friend of the Court Cases:** Attorneys and litigants seeking to reopen a Friend of the Court case so that Friend of the Court services can be received shall submit a Request to Reopen Friend of the Court Case, which is State Court

⁵ See Section II for further explanation of the Referee Consent Docket.

⁶ See Section II for further explanation of the Referee Consent Docket.

Administrative Office Form FOC 104. Form FOC 104 is available at the Friend of the Court Information Services Department window on the Second Floor of the Penobscot Building, at the Friend of the Court Scheduling Office located at Room 900A, Coleman A. Young Municipal Center, and online at: <http://www.courts.michigan.gov/scao/courtforms/domesticrelations/focgeneral/foc104.pdf>. The completed Form FOC 104 shall be submitted either at the Friend of the Court Information Services Department window or at the Friend of the Court Scheduling Office.

IV. Enforcement of Child Support: All proceedings regarding enforcement of child support by writs of execution/orders to seize property, including, but not limited to, the issuance of writs of execution/orders to seize property, or any challenges to the issuance, or execution of the writs of execution/orders to seize property, shall be assigned to the docket of the presiding judge of the Family Division, or his or her alternate.

Dated: November 7, 2013



Virgil C. Smith, Chief Judge
Third Judicial Circuit