



THIRD JUDICIAL CIRCUIT COURT

FRIEND OF THE COURT

FOC MOTION PRACTICE UPDATE 2011 FOR ATTORNEYS

PURSUANT TO DOCKET DIRECTIVE 2010-02

- **Motions should be filed first in CAYMC Room 928.** The filer pays the filing fee to file the original Motion, then obtains a receipt and stamped Praecipe from the County Clerk. This is proof of payment.
- After paying to file the original Motion in Room 928, the filer must take two (2) copies of the Motion (plus proof of payment) to the **FOC Scheduling Office located in CAYMC Room 900A.**
- If the Motion has the required documents attached, the FOC Scheduling Office will immediately schedule the motion and provide the hearing date and time.
- Requests for Emergency Motions with expedited hearing dates must be approved by the assigned Judge before they are filed.
- The Attorney **must** serve the opposing party with a copy of the Motion, written Notice of Hearing, and must file a written Proof of Service with the Court prior to the motion hearing date.



ALWAYS BRING YOUR
ORIGINAL MOTION
PLUS
TWO COMPLETE COPIES
WHEN FILING

OBTAINING A REFEREE HEARING DATE

After you file your original motion at the County Clerk's office in CAYMC 928, you must obtain a hearing date from the FOC Scheduling Office at CAYMC 900A. **If you do not do this, your Motion will never be heard.**

1. Take a copy of your motion and proof of payment/waiver to CAYMC 900A.
2. If the motion has the required attachment(s) the FOC Scheduling Office will provide the next available date for the assigned Referee.
- 3. If the motion does not have the required attachment(s), the motion will be returned and a hearing date will not be scheduled.**
4. If the filer requests a specific date and that date is available, you will be given that hearing date.
5. Once the Referee hearing date is provided, counsel must serve the other party with a copy of the Motion, attachments and a Notice of Hearing.
6. If the opposing party's address is confidential on the FOC system, Room 900A will accept the opposing party's copy of the motion and the FOC will serve the opposing party.

FINANCIAL DOCUMENTATION

The **original** FOC Financial Information Form FD/FOC 4008, along with all supporting documentation must be submitted separately to the FOC Scheduling Office Room 900A and should **not** be filed at the County Clerk's Office in Room 928.

Questions?
FOC Attorney Line:
(313) 224-5295

FOC email help:
[focattorneyline@
3rdcc.org](mailto:focattorneyline@3rdcc.org)



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ENFORCEMENT ACTIONS

PARENTING TIME ENFORCEMENT

A party seeking to enforce a parenting time order, or claiming that parenting time was wrongfully denied them, should file a Request for Parenting Time Enforcement ([FD/FOC 4052](#)) with the Domestic Clerk's office, CAYMC Room 928. You must then obtain a hearing date from the FOC Scheduling Office in CAYMC Room 900A.

There is no fee to file this request. The Friend of the Court will schedule a hearing within four weeks in front of the Parenting Time Referee. All parenting time disputes will be heard on the dedicated Parenting Time docket in CAYMC Courtroom 1501. The Referee may refer the parties to an on-site mediator to resolve their dispute.

The Referee may recommend the issuance of an Order to Show Cause at the enforcement request hearing. An Order to Show Cause will not be issued to address minor parenting time disputes.

CHILD SUPPORT ENFORCEMENT

To request enforcement of an existing child support obligation, a party may submit a request directly to the FOC either in person, by phone or by email. Attorneys may also file enforcement motions in front of the assigned Referee, or seek an Order to Show Cause from the assigned Judge. A copy of the Order you are seeking to enforce must be attached to your request, motion or petition.

PROPERTY SETTLEMENT ENFORCEMENT

Motions seeking enforcement of the terms of a property settlement must be brought before the assigned Judge either by motion or through a petition for an Order to Show Cause. A copy of the Order you are seeking to enforce must be attached to your motion or petition.

Attorneys seeking the issuance of an Order to Show Cause may file an Ex Parte Verified Petition for Order to Show Cause in CAYMC Room 928, and then proceed directly to the assigned Judge's clerk to seek issuance of the Show Cause Order. Please review the applicable Court Rules when preparing your pleadings to ensure compliance.

Orders to Show Cause must be personally served upon the party against whom they are issued within the time limits set by the Judge.

NEED A DATE?

Attorneys can check for available Referee hearing dates on our website and request specific hearing dates when they bring their motion to the FOC scheduling office:

[https://
motionschedule.
3rdcc.org/](https://motionschedule.3rdcc.org/)

Date availability changes in real-time as motions are filed. Please bring alternate proposed dates with you when you file.

EMERGENCY HEARINGS

Emergency motions **must** have written approval from the assigned Judge before they will be given an expedited hearing date. The filer must obtain an "Emergency Motion Request Form" from CAYMC 900A.

The filer must take the Motion and Form to the assigned Judge's clerk. If approved, the filer should then bring the approved documents back to CAYMC 900A for a hearing date.



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SUPPORTING DOCUMENTS REQUIRED WITH ALL MOTIONS

Filers must attach a copy of the current Order that they are seeking to change or enforce to every copy of their Motion. Failure to attach the required Order will result in rejection of your Motion without a hearing.

Change of Support Motions ([FD/FOC 4035](#)) must also have the following documents attached:

- A. Financial Information Form ([FD/FOC 4008](#))
- B. Income Verification - Pay stubs, W-2 forms, tax returns, proof of public assistance.
- C. Current Parenting Time Order

Change of Custody Motions ([FD/FOC 4018](#)) must have a copy of the current Custody and Parenting Time Order(s) attached. Motions are scheduled for the initial threshold hearing in front of the assigned Referee.

If the Referee determines that the threshold of pleading has been met, the parties will be referred to Family Assessment, Mediation and Evaluation (F.A.M.E.) for a full investigation and recommendation. A return hearing will be scheduled in front of the assigned Judge for a determination as to whether or not custody should be changed.

Parenting Time Enforcement Motions must also have the following documents attached:

- A. Completed [FD/FOC 4052](#) – Parenting Time Enforcement Form
- B. Current Parenting Time Order.

ADDRESS FOR OPPOSING PARTY

Attorneys of record on a case can contact the FOC Attorney Line to request the address of an opposing party. The Attorney must have their appearance on file with the Court before requesting address information.

If the opposing party's address is confidential, upon request the FOC will serve the opposing party if the filer provides an extra copy of the Motion. The FOC will **only** serve the opposing party if the address is **confidential**.

PARENTING TIME MOTIONS MUST ONLY DISCUSS PARENTING TIME

All parenting time motions will be heard on the dedicated Parenting Time docket in CAYMC 1501. **The Parenting Time Referee will not hear any other issues.**

All other issues require separate motions. If all motions are filed in the same case simultaneously, only a single filing fee will be charged.

FOC FORMS

All FOC Motion and other forms are available for free on the Court website:

www.3rdcc.org

Or in person at
PNB 2nd floor, or
CAYMC 900A.



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MOTIONS ON PATERNITY (DP) AND FAMILY SUPPORT ACT (DS) CASES

PRIVATELY PROSECUTED PATERNITY AND SUPPORT ACTIONS

PRE-JUDGMENT: All pre-judgment motions on paternity (DP) or support (DS) cases that were initiated by private bar attorneys must be scheduled in front of the assigned Referee/Judge. A copy of the Motion and all supporting documentation must be served on the FOC. A true copy of any Order resulting from the motion must also be served on the FOC.

POST-JUDGMENT: All post-judgment motions on paternity and support cases that were initiated by private bar attorneys must be scheduled in front of the assigned Referee/Judge.

PATERNITY AND SUPPORT ACTIONS FILED BY THE FOC

The Friend of the Court Special Prosecuting Attorney initiates paternity and family support actions that are referred by the Department of Human Services. The FOC attorney does not represent either party to the case, but represents the interest of the State in establishing paternity and support for the minor child. Copies of motions must be served directly upon the opposite party, as well as on the FOC.

PRE-JUDGMENT: Referee hearings are conducted by the dedicated Case Establishment Referee, FOC 6th Floor. Judicial hearings, including de novo hearings, are conducted exclusively by the Presiding Judge, Judge Maria Oxholm, CAYMC Courtroom 901. PLEASE NOTE: your case label and docket will indicate that a different Judge is the assigned Judge.

POST-JUDGMENT: All motions to set aside Orders of Filiation or Affidavits of Parentage are heard by the Presiding Judge, Judge Maria Oxholm, and are scheduled exclusively by her courtroom staff.

CASE CONSOLIDATIONS

PRE-JUDGMENT: Paternity and Family Support Act cases cannot be consolidated with subsequently filed Divorce (DM) cases prior to the entry of a final Judgment of Divorce.

POST-JUDGMENT: After a final Judgment of Divorce has been entered, Paternity and Family Support Act cases must be consolidated into the Divorce case, and their support cycles terminated as of the date of entry of the Judgment of Divorce.

STANDARDIZED PARENTING TIME PLAN

The Family Division has adopted a standardized parenting time plan.

The plan defines how our Family Court will define and enforce parenting time Orders that grant "reasonable parenting time" to the non-custodial parent.

The plan is available on our website at:

www.3rdcc.org

GENERAL FINANCIAL ISSUES

Parties can address general financial issues such as direct payment credit and requests to reduce income withholding orders due to hardship by Referee motion [FD/FOC 4124](#)