



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: February 19, 2015

TO: Circuit Court Administrators and County Clerks
cc: Chief Circuit Judges
Presiding Family Division Judges
Family Division Administrators

FROM: Jim Inloes, Management Analyst

RE: Amendment of MCL 600.2529 [2014 PA 532]

Effective April 14, 2015, under 2014 PA 532, circuit courts are now required to collect an additional fee at the time of filing for cases in which the custody, support, or parenting time of a minor child is determined. Previously, this fee was referred to as a judgment or order entry fee, and although some courts collected it at the time of filing, it was payable only if a judgment or order entered. Under the new statutory enactment, the fee is due at filing, and must be collected regardless whether an order enters. See MCL 600.2529(1)(d).

Assessing Fees

1. Amount

MCL 600.2529(1) (d) requires a party to pay an additional filing fee in “an action in which the custody, support, or parenting time is to be determined or modified.” The “action” is the original complaint for divorce, support, or custody, or a postjudgment motion to modify an existing final determination on custody, support, or parenting time. Actions that involve custody or parenting time require payment of an \$80 fee; actions that involve support for a minor child require payment of a \$40 fee.

2. Collection

- a. Under MCL 600.2529(1)(d), the party filing the action must pay the fee.
- b. If a party files a motion to modify a temporary order before the final judgment

enters, courts should not collect an additional fee. There has not yet been a final “determination” regarding custody, support, or parenting time.

- c. Courts should not assess the additional filing fee when the parties file a consent order with their motion or complaint because MCL 600.2529(6) requires courts to waive or suspend fees in that situation.
- d. Waiving Fees [MCL 600.2529(5) and (6)]

The court shall waive or suspend the fees in certain circumstances:

- 1) When a party shows by affidavit that the party is indigent or unable to pay, or for other good cause.
- 2) When the parties submit a consent order with their initial filing.
- 3) When a public officer makes a filing in his or her official capacity.¹

Court and county clerk staff with questions regarding these changes should contact Jim Inloes at inloesj@courts.mi.gov or 517-373-0122.

¹ Therefore, the court should not collect the fee for matters initiated by the Friend of the Court office or prosecutors seeking to establish orders.