

Seventh Judicial Circuit of Michigan
Genesee County Friend of the Court



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Director

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MOTION REGARDING CUSTODY PACKET

Use this form if you wish to file a motion regarding a change in your custody order, or if you have a pending case and wish to establish custody within that case. By using these forms, you are representing yourself in your court action. You may need to conduct additional legal research or consult with a private attorney in order to proceed. Friend of the Court and Court staff are prohibited from providing any legal advice. Carefully read and follow all of the instructions before filling out the form so that you understand your rights and duties. Failure to follow the instructions in this packet may result in your motion not being properly processed or being unsuccessful. Friend of the Court and Court staff are unable to give you any additional instruction on how forms should be filled out as it pertains to your specific case.

****NOTE: If you and the other party agree to a change in your custody order, you can schedule an appointment with your Friend of the Court caseworker to do so without filing a motion.****

Where to file:	Circuit Court Records 2nd Floor, Genesee County Courthouse 900 S. Saginaw St. Flint, MI 48502 **DO NOT FILE AT FRIEND OF THE COURT**
Filing fees:	\$100 total: \$20 motion fee and \$80 Custody and Parenting Time fee *Forms are also available to request a waiver of this filing fee. The forms are available in the Clerk's office located at the address above.*

INSTRUCTIONS

These forms must be completed in black ink (either typed or printed). Do not use pencil.

Step 1: Complete the Notice of Hearing and Motion.

- A. The Case No. and Judge are those assigned to your existing case that the motion must be filed in. This information can be obtained from the most recent order in your case, or from the clerk's office.

- B. Fill in the "Plaintiff" and "Defendant" information. If you do not know the other party's current address, you may obtain it from the Friend of the Court by coming to the office with your photo

ID. If the other party has a confidential address, you may note that on the form and the FOC will be able to mail the Motion/Notice of Hearing for you.

- C. You are the “moving party”. Write either “Plaintiff” or “Defendant” on this line based on whether you were the Plaintiff or Defendant in the original action.
- D. Utilizing the latest custody order from your case if necessary, explain what your current custody order is, and when it was entered. If there is no existing custody order in your case, check box “b” to indicate this.
- E. State who the child(ren) is actually living with now, the address where they are residing, and how long they have been living there, even if this is different than what was ordered.
- F. Indicate to the Court what proper cause or change in circumstances exist to necessitate a change in custody, using as much detail as possible. You may attach additional sheets if needed.
- G. State what you are asking the Court to order as clearly as possible. You may attach additional sheets if needed to fully explain your position to the Court.

Step 2: File your motion at the Clerk’s Office.

Take the original form and any papers you wish to attach to your motion to the Clerk’s Office to file, along with 3 additional copies of the form and attachments. (The clerk can make copies for you, but will charge to do so.) **The fee to file the motion is \$100.** If you cannot afford to pay the fee, ask the clerk for information on the process for an affidavit and order for suspension of fees/costs. If you choose to request a fee waiver, follow the process before filing this packet. At the time the motion is filed, *the clerk will fill in the hearing date and time on the Notice of Hearing section of your form*, and will keep the original to place in the court file.

Step 3: Complete the Certificate of Mailing.

Any other parties must be served with the motion and Notice of Hearing at least 9 days before the hearing date.

- A. Have a friend or family member who is over the age of 18 mail a copy of the motion, any attachments, and the Notice of Hearing to the other parties. Make sure your return address is on the envelope.
- B. Once the mailing is completed, have that person fill in the date they mailed it and sign their name in the section labelled “Certificate of Mailing” on two copies of the motion and Notice of Hearing.
- C. Return to the clerk’s office with two copies of the motion. The Certificate of Mailing must be filed at least 7 days prior to the hearing. The clerk will keep one for the Court’s file and will stamp the other “True Copy” and return to you for your records.

D. If the other party's copy is returned to you, the hearing cannot be held until you are able to notify the other party about the hearing. You must obtain a current address for the party from the FOC or another source. If the other party has a confidential address, the Friend of the Court can mail the paperwork for you and will complete the certificate of mailing. You must then file it with the clerk's office as stated above.

If there are 8 days or less before the hearing date, go to the clerk's office to reschedule your hearing. Bring your copy of the motion with you as the clerk will use it to set a new date.

Follow the above steps as when you filed the motion originally, including the steps for completing the "Certificate of Mailing" portion.

If a new address cannot be obtained, refer to the Michigan Court Rules (MCR 2.106) for further guidance. A copy of these rules may be available at your local library or at the law library of the county courthouse on the 2nd floor.

You may wish to seek assistance from an attorney or service processor if you need additional help with getting any other parties served.

Step 4: Getting Ready for Court

Make a list of the information you feel it is important for the Court to consider, and bring any information or proof that you believe will support your claim and requested relief.

Step 5: Attend the scheduled hearing.

You must attend the scheduled hearing or your motion will be dismissed. **** If you need to adjourn your hearing to a different date, you must contact the other party, the Court and the Clerk's office.**** Be sure to dress appropriately for your hearing and do NOT bring your child(ren) with you. Be sure to listen carefully to what is said by the Judge/Referee. The court will listen to you, but do not interrupt them or any other party. Raise your hand and wait for the court to call on you before speaking. Check in with the clerk prior to your scheduled hearing time and wait for your case to be called.

Step 6: After the hearing:

Your case will be heard by a Referee. The Referee will prepare a Recommendation for an Order following your hearing. A copy of that Recommendation will be mailed to each party. The Recommendation will become an order of the court unless one of the parties files an objection and follows the appropriate procedures within 21 days after the Recommendation was mailed. To ensure you receive the Recommendation promptly, be sure to verify your mailing address on file with both the Friend of the Court and the Circuit Court.

If either party disagrees with the Referee's Recommendation, they have a right to request a judicial hearing before the Judge assigned to the case. A judicial hearing may be obtained by completing an "Objection to Referee's Recommended Order" within 21 days of when the Recommendation was mailed to you. Blank forms are available at the clerk's office for 50 cents. The clerk will issue you a

hearing date at that time. The objecting party must serve the objection and Notice of Hearing on the opposing party or their counsel in the manner provided in MCR 2.119(c).

If no objection is filed by either party with the clerk's office within 21 days, the Order will take effect.

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

MOTION REGARDING CUSTODY

CASE NO. **(A)**

Court address

Court telephone no.

(B) Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party	Defendant's name, address, and telephone no. <input type="checkbox"/> moving party
Third party name, address, and telephone no. <input type="checkbox"/> moving party	(C) 1. <input type="checkbox"/> a. On _____ a judgment or order was entered regarding custody. <input type="checkbox"/> b. There is currently no order regarding custody.

2. Attached is a completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC 416).

(D) 3. The plaintiff defendant third party was ordered to have custody of the following child(ren):

(E) 4. The child(ren) have been living with _____ at _____
Name(s) _____
Complete address _____ since _____ Date _____.

(F) 5. Proper cause exists or circumstances have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(G) 6. It is in the best interests of the child(ren) to establish or change custody for the following reasons:
Use a separate sheet to explain in detail which best interest factors under the Child Custody Act support this motion and attach. Include all necessary facts.

(H) 7. _____ and I agree to custody, support, and parenting time as follows:
Name _____

Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 8. I ask the court to order that custody, parenting time, and support be as follows:
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) Date _____ Moving party's signature _____

NOTICE OF HEARING

A hearing will be held on this motion before _____
Judge/Referee _____ Bar no. _____

(K) on _____ at _____ at _____
Date _____ Time _____ Location _____.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Note: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC 88.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this motion, a Uniform Child Custody Jurisdiction Enforcement Act Affidavit and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(L) Date _____ Moving party's signature _____

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	CONTACT INFORMATION <input type="checkbox"/> AMENDED	CASE NO. and JUDGE
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Court address

Court telephone no.

This form is confidential and not to be served on other parties in this case. Any contact information below that has already been provided or is provided in the future in a public court filing or through the MiFILE system will not be made confidential by this document.

Please provide the following contact information:

1. Your name: _____
First, middle, and last name
2. a. Telephone number where the court can contact me: _____
This telephone: can cannot receive text messages from the court.
 can cannot receive voice messages from the court.
- b. I do not have a telephone number where the court can contact me.
3. a. E-mail address where I can receive e-mails: _____
 b. I do not have an e-mail address where I can receive e-mails from the court.

PLEASE READ AND UNDERSTAND THE FOLLOWING:

Upon signing this form, you are consenting to text, e-mail, and/or phone notifications on your court case. If the case is NON-PUBLIC, it is NOT ELIGIBLE for text or phone notifications.

By signing this form, I authorize the _____ court to notify me of upcoming events in this case.
Name of court

I understand, based on the options chosen above that I will receive text, e-mail, and/or voice notifications to the phone number or e-mail address listed on this form. I also understand that the _____ court is not
Name of court
responsible for any additional fees or charges due to my phone carrier data rates.

In the event that my e-mail, or cell or land line phone number changes, I will notify the court to update their records, and if I fail to do so it will result in the termination of this service from the court.

Privacy Disclaimer: Your contact information is necessary to assist the court in providing important information in a timely manner. Your information will not be sold, distributed, or shared with any other entity. You can OPT-OUT of the system at any time. Simply reply OPTOUT to any received message.

Date _____

Signature _____