

Filing a Motion to Modify Custody Representing Yourself in Gratiot County

1. After obtaining the motion and the order for referral from the Friend of the Court, completely fill out the forms.
2. Read and follow all directions on the form provided for filing at the County Clerk and serving the motion on the required people. Be prepared to pay the filing fee for the motion, currently **\$100.00**. **YOU MUST SERVE A TRUE COPY OF THE MOTION and ORDER FOR REFERRAL ON THE FRIEND OF THE COURT AND ON THE OTHER PARTY. YOU MUST TAKE A PROOF OF SERVICE TO THE COUNTY CLERK WHEN YOU SERVE THE MOTION AND ORDER FOR REFERRAL ON THE OTHER PARTY.**
3. After you have filed the motion, take a true copy of the motion to the Judges office for him to review. Take a copy of enclosed ORDER FOR REFERRAL with the motion to the Judges office. **YOU MUST COMPLETE THE PLAINTIFF, DEFENDANT and FILE NUMBER ON THE ORDER FOR REFERRAL FORM.**
4. When the order is signed, the Judge's office will forward it to the Clerk of the Court's office for you to pick the order up. You must pick the order up, make the copies and file it with the County Clerk. **BE SURE TO SERVE A TRUE COPY OF THE ORDER FOR REFERRAL ON THE OTHER PARTY AND THE FRIEND OF THE COURT.**
5. The Judge assigned to your case will review the motion to ensure it meets the burden of proof. If the motion does not meet the showing of a change of circumstances sufficient to warrant a change, the Judge will enter an order dismissing the motion.

If after reviewing the motion the Judge determined there may be sufficient reason to change the current order, the court will enter an Order Referring the motion to the Friend of the Court for an investigation or a conciliation.

Until the investigation or the conciliation is completed, both parties should continue to follow the order currently in place.

6. When the Friend of the Court receives a copy of the order referring the matter for an investigation or conciliation, a meeting will be scheduled by the Friend of the Court office. Both parties will be asked to submit information and appear for an interview.
7. When the investigation or conciliation is completed a written recommendation will be provided to both parties with instructions stated on what to do if a person wants to object to the recommendation.
8. Remember, if no order is filed after the investigation is completed or a hearing, no action will be taken to modify the court order.

Effective November 19, 2007

INSTRUCTIONS FOR COMPLETING “MOTION REGARDING CUSTODY”

Please print neatly. After filling in the form, you will need to make at least 5 copies of the form.

Items A through K must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A) Before you fill in the Case No., get your court papers for divorce, separate maintenance, paternity, or family support and copy the Case No. from those court papers onto the form.
- (B) Also use your court papers to fill in the “Plaintiff” and “Defendant” boxes and if applicable, the “Third Party” box. Copy the names from these court papers onto this form. For example, if your name is in the box that says, “Plaintiff”, then you should write your name in the “Plaintiff” box on this motion form.

You are the “moving party”. once you have written the names where they belong, you must check the box “moving party” in the same box as your name.

- (C) **Check only one box.** If you have a judgement or order for divorce, separate maintenance, paternity or family support read it carefully to find out if there is any information in it about custody. If there is information about custody, check box a. If, there is no information about custody, check box b.
- (D-E) Put information in the lines for the current custody situation and where the children have been living as ordered in the last court order.
- (F) Check this box only if you checked box a. in (C) above and conditions have changed that require a change in custody. **Explain in** as much **detail** as possible what has happened. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach 4 copies of this form.
- (H) Check this box if you and the other party have agreed to make changes in the custody. **Explain in** as much **detail** as possible what you have agreed on. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach to the copies of this form.
- (I) You need to **explain in** as much **detail** as possible what you want the court to order. If you checked above, check the box “ Same as 6. Above”. Otherwise, write the details. If you need more space use a separate sheet of paper. Print this information as neatly as you can. you will need 4 copies of this sheet to attach to copies of this form.

(J) Write in today’s date and sign your name.

(K) **Skip this part on the motion form (Notice of Hearing).**

(L) Complete the top portion on the Order for Referral

(M) Now go to the County Clerk’s office to file the original, paying the filing fee of \$ 100.00. Obtain copies for the following:

1. 1 copy for yourself.
2. 1 copy for the Friend of the Court.
3. 1 copy to serve on the other party
4. 1 copy to file with the County Clerk as proof of service on the other party

(N) On the date you mail 1 copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining copy. Return it to the County Clerk for filing as proof of service.
MAKE SURE YOU SERVE A COPY OF THE MOTION AND THE ORDER FOR REFERRAL ON THE FRIEND OF THE COURT.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING CUSTODY

(A) CASE NO.

Friend of the Court address

Telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

(C) 1. a. On _____ a judgment
Date
or order was entered regarding custody.
 b. There is currently no order regarding custody.

(D) 2. The plaintiff defendant third party was ordered to have custody of the following child(ren):

(E) 3. The child(ren) have been living with _____ at _____
Name(s)
_____ since _____
Complete address Date

(F) 4. Circumstances have changed as follows that require custody or a change in custody:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(G) 5. Proper cause exists as follows that require custody or a change in custody: Use a separate sheet to explain in detail which factors of the Child Custody Act for determining best interests of the child(ren) are affected by the circumstances in 4. above. Include all necessary facts.

(H) 6. _____ 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) 7. 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.

I declare that the above statements are true to the best of my information, knowledge, and belief.

(J) _____
Date Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Name of judge or referee

(K) on _____ at _____ at _____
Date Time Place

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 mailed a copy of this motion and notice of hearing on the other party(ies) by ordinary mail at the above address(es).

(L) _____
Date Moving party's signature

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING CUSTODY

(A)

CASE NO.

(B)

Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

4. Continued from page 1.

5. Continued from page 1.

6. Continued from page 1.

7. Continued from page 1.

STATE OF MICHIGAN
29TH JUDICIAL CIRCUIT - COUNTY OF GRATIOT
FAMILY COURT DIVISION

Plaintiff,

v

File no: _____

Judge _____

Defendant.

ORDER FOR REFERRAL

At a session of said Court held in the Courthouse
in the City of Ithaca, in said County, on
this _____ day of _____, 20____

Before: Honorable _____, Judge

A motion regarding custody, parenting time and/or child support was filed by the _____ on _____. The Court has reviewed the motion, and;

IT IS HEREBY ORDERED:

- The motion filed on _____, 20____, is denied for failure to state a change of circumstances or proper cause to justify a change in the current order.

- B. _____ The motion filed for child support review shall be referred to the Friend of the Court for a child support review and recommendation which shall become the order of the court within twenty one (21) days of filing, unless objections are filed with the Clerk of the Court.

- The Plaintiff and Defendant shall participate in a **conciliation conference**, scheduled at the direction of the Friend of the Court, regarding the matter(s) of:
 - _____ Custody
 - _____ Parenting Time

If the parties are unable to reach an agreement on any issue, the Friend of the Court shall make a recommendation to the Court, with copies to the parties and counsel of record. Said recommendation shall become the Order of the Court **unless a written objection is filed within 21 days with the Court Clerk, with copies provided to the Friend of the Court, the assigned Judge, and the opposing party or attorney of record for the opposing party.** If a party is not represented by an attorney and they file an objection, the Friend of the Court will schedule a

hearing before the Court. If an attorney is representing a party and the attorney files an objection, within thirty (30) days of filing an objection, the attorney must obtain a hearing date from the Court. The attorney must file a Notice of Hearing and Proof of Service on their objection. If no hearing date is obtained, the objection will be dismissed/denied.

- ☐. The Friend of the Court shall conduct an **investigation** and make a recommendation to the Court, with copies to the parties and counsel of record, regarding the matter(s) of:

_____ Custody
_____ Parenting Time
_____ Child Support

Said recommendation is to become the Order of the Court, subject to either parties' right to file an objection and request a hearing on said objection within 21 days of the recommendation being filed. **If an objection is filed, the moving party shall be responsible for providing copies of the objection and Notice of Hearing to the Friend of the Court, the assigned Judge, and the opposing party or attorney of record for the opposing party. Proof of Service of said Notice of Hearing must also be filed with the Court Clerk.** If no hearing date is obtained within 21 days of filing the objection, the objection will be dismissed/denied.

Judge

IT IS THE MOVING PARTY'S RESPONSIBILITY TO:

1. **SERVE A COPY OF THE SIGNED ORDER FOR REFERRAL ON THE FRIEND OF THE COURT;**
2. **SERVE A COPY OF THE SIGNED ORDER FOR REFERRAL ON ALL ATTORNEYS/PARTIES OF RECORD;**
3. **FILE THE ATTACHED PROOF OF MAILING WITH THE COUNTY CLERK'S OFFICE.**

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	PROOF OF MAILING	CASE NO.
--	-------------------------	-----------------

Court address _____ Court telephone no. _____

Plaintiff(s)	v	Defendant(s)
--------------	----------	--------------

<input type="checkbox"/> Juvenile	In the matter of _____	
<input type="checkbox"/> Probate	In the matter of _____	

On the date below I sent by first-class mail a copy of _____

to: List names and addresses.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature

Name (type or print)