

Form FOC 87

MOTION REGARDING CUSTODY

USE THIS FORM IF:

- ☛ You have a pending case for custody, divorce, separate maintenance, or paternity; or
- ☛ You are a party who has custody through a judgement of custody, divorce, separate maintenance, or an order of filiation.

YOU CANNOT USE THIS FORM IF:

- ☛ To start a custody case; or
- ☛ If you are a third party and want to intervene to get custody of the child(ren) in a pending case for custody, divorce, separate maintenance, or paternity; or
- ☛ You have an attorney. Contact your attorney for legal assistance; or
- ☛ Your case numbers contains any of the following case code types:
DI, DF, DW, TI, UW, DR, UC, UN, UD, UI, UO, UF, DO, TO, DU, TU, UE, UM. If you want to establish/modify a custody order in any of these types of cases, you may want to seek legal counsel.

FILE YOUR MOTION AND PAY YOUR FEE TO THE COUNTY CLERK. DO NOT FILE YOUR MOTION AT THE FRIEND OF THE COURT OFFICE. DO NOT MAKE YOUR PAYMENT PAYABLE TO THE FRIEND OF THE COURT.

INSTRUCTIONS FOR USING FORM FOC 87

FILING A MOTION

1. FILL OUT THE MOTION FORM.

Use the instructions on page four. Type or print neatly. **Make sure you can read all four copies. If you fail to provide all of the required information, your motion may be denied or dismissed.**

2. FILE THE MOTION FORM WITH THE COUNTY CLERK.

Take the original and copies of the form to the County Clerk in the county where your case is located. (Van Buren County Clerk, 212 Paw Paw Street, Paw Paw, MI 49079)

You must pay a \$20.00 motion fee and a \$80.00 judgement fee. The total, \$100.00, is due at the time you file your Motion. Make your money order payable to "Van Buren County Clerk". No personal checks will be accepted by the County Clerk.

The County Clerk will keep the original and all copies of the motion and any attachments for the court file and the Friend of the Court. A copy will then be returned to you at the address you provided on the form, with a hearing date scheduled by the Friend of the Court.

RESPONSE FROM OTHER PARTY:

If you receive a response to your motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

You must attend the hearing on the motion; otherwise, your motion may be dismissed.

INFORMATION ABOUT ATTENDING THE HEARING:

Bring all supporting papers you have.

1. By using this form packet, you are representing yourself in a court action regarding custody. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you feel is important for the Referee or Judge to know. The information should relate to the reasons stated in your motion. You can use this as a reminder to bring up the points you feel are important.
3. If you feel you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the Judge's courtroom or Referee's hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court.

5. Do not interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, sit at the appropriate table, marked "Plaintiff" or "Defendant". You may be asked the following:
 - 1) Your name
 - 2) What your request(s) is(are)
 - 3) The facts or reasons for your request
 - 4) Why you believe this order would be in the best interests of the child(ren)
 - 5) Whether you have witnesses in court who are willing to testify

Answer the questions clearly and directly. If the Judge or Referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

If the other party is in court, he or she will have the chance to speak also. When the other party speaks, take notes. Do not interrupt the other party.

MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU...

1. Fill out all requested information on the form? Yes
2. Make all necessary copies? (**Four** of any attachments) Yes
3. Pay the motion fee to the County Clerk? Yes

IF YOU CANNOT ANSWER "YES" TO ALL OF THE ABOVE STEPS, A HEARING ON YOUR MOTION MAY BE DELAYED OR YOUR MOTION MAY BE DISMISSED.

If you fail to do even one of the required steps, the order you get from the court may not give you your desired results.

IMPORTANT

If the other party is represented by an attorney, you must include that attorney's name and complete business address on the front of the motion form.

INSTRUCTIONS FOR COMPLETING

"MOTION REGARDING CUSTODY"

Please print neatly, and press firmly with an ink pen, or use a typewriter.

- A** Before you fill in the Case Number, get your court papers for custody, divorce, separate maintenance, or paternity and copy the Case Number from those court papers onto this form.
- B** Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes and, if applicable, the "Third Party" box. If the other party has an attorney, include the attorney's name and address also. Please note, the Plaintiff and Defendant will always be according to the initial filing of the action. Therefore, 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. 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 custody, divorce, separate maintenance, or paternity, 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** Check this box only if you checked box 1a in C above. Read your court papers for custody, divorce, separate maintenance, or paternity to find out who was ordered to have custody. Write this information here along with the name(s) of the child(ren).
- E** State who the child(ren) are living with now, the address or location where the child(ren) are living, and the date the child(ren) started living there even if it is different than what was ordered.
- F** State the circumstances that require a custody order or a change in custody. Explain in as much detail as possible what has happened. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- G** State the causes that require a custody order or a change in custody. The Judge or Referee will review these causes using factors from the Child Custody Act to determine the best interests of the child. Explain in as much detail as possible what the causes are. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- H** If you and the other party agree about custody, explain in as much detail as possible what you agreed to, including support and parenting time. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- I** **You need to explain in as much detail as possible what you want the court to order.** If you completed **H** above, you only need to write "Same as H above". You need to include information about support and parenting time as well. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- J** Write in today's date and sign your name. DO NOT complete sections K or L.

Approved, SCAO

Original - Court
1st copy - Other Party

2nd copy - Moving Party
3rd copy - Friend of the Court

STATE OF MICHIGAN 36 TH JUDICIAL CIRCUIT COURT VAN BUREN COUNTY	MOTION REGARDING CUSTODY	A CASE NUMBER
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Court Address: 212 Paw Paw Street, Paw Paw, MI 49079

Friend of the Court Address: 219 Paw Paw Street, Paw Paw, MI 49079

Friend of the Court

Telephone Number: 269-657-7734

B

Plaintiff's name, address & phone no. moving party

Third party name, address & phone no. moving party

V

Defendant's name, address & phone no. moving party

C

1. a. On _____ a judgement
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 following child(ren) have been living with _____ at _____ since _____
Name(s) 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 paid 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

Fee Paid _____
Deputy Clerk

A hearing will be held on this motion before G. Scott Smith, Domestic Relations Referee
Name of Judge or referee

- K** on _____ at _____ at Friend of the Court, 219 Paw Paw St, Paw Paw, MI 49079.
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 the date below I mailed a copy of this document to the parties and their attorneys by first-class mail addressed to their last known addresses as defined by MCR 3.203.

- L** _____
Date Friend of the Court Office