

**37th JUDICIAL CIRCUIT COURT
FAMILY DIVISION
Friend of the Court**

**PRO PER
FORMS AND INSTRUCTIONS
FOR**

**MODIFICATION OF CUSTODY,
PARENTING TIME AND CHILD
SUPPORT ORDERS**

Pro Per Forms and Instructions for Modification of Custody, Parenting Time and Child Support Orders

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37th JUDICIAL CIRCUIT

FAMILY DIVISION

MOTION REGARDING CUSTODY

If you are considering filing your own motion to request a change in your court order regarding custody, parenting time and/or support, you must understand the following:

- You are representing yourself. As such, you will be required to follow Michigan Court Rules, Michigan Rules of Evidence, statutes and case law.
- You must properly fill out and complete the motion form.
- You must obtain a motion hearing date, time and location.
- You must properly file the motion
- You must properly serve the motion on the other party.
- You must properly file your proof of service.
- You must properly present your case before the referee.
- If your motion is set over for a custody and/or parenting time and/or support modification evidentiary hearing, you must call witnesses and present all evidence correctly.
- Following the custody and/or parenting time and/or support evidentiary hearing, you will need to prepare the order correctly if directed to do so by the referee.

Information regarding procedures for filing, serving and obtaining an order are contained within these instructions. Further information may be available at the Calhoun County Family Division Web Site:

www.calhouncountymi.gov/foc

STOP: Note for Motions Regarding Custody: In making a decision regarding the custody of a child, the court must consider each of the 12 factors in the Child Custody Act of 1970. These factors may be found in the Appendix at the end of this booklet. A party seeking a change in custody must first establish proper cause or a change in circumstances before the court can decide what the best interests of your child(ren) may be. Proper cause means one or more appropriate grounds that have or could have a significant effect on the child's life to the extent that a re-evaluation of the child's custodial situation should be undertaken. Not just *any* fact relevant to the twelve custody factors will constitute proper cause. Rather, the reasons presented must be of a magnitude to have a significant effect on the child's well-being to the extent that revisiting the custody order would be proper. A change of circumstances may occur if, since the entry of the last custody order, the conditions surrounding custody of the child, which have or could have a significant effect on the child's well-being, have materially changed. Again, not just any change will suffice, for over time there will always be some changes in a child's environment, behavior and well-being. Instead, the evidence must demonstrate something more than the normal changes (both good and bad) that occur during the life of a child, and there must be at least some evidence that the material changes have had or will almost certainly have an effect on your child(ren).

If the Court finds that a change in custody should occur as the result of your Motion Regarding Custody, it is required to use the Michigan Child Support Formula in setting the resulting support obligation(s). Parties requesting a change in custody must calculate the appropriate amount of support that would result using the Formula. In order to calculate support under the Formula, the parties must also calculate the annual number of overnights per year that the child(ren) will be in each party's custody. Access to the Child Support Formula may be available through your local library, or by using the State Court Administrative Office web site:

www.courts.michigan.gov/scao/services/focb/mcsf.htm

MOTION REGARDING CUSTODY

Use this form if:

- you have a pending case for custody (DC), divorce or separate maintenance (DM), family support (DS), paternity (DP), other family matter case (DZ), or an eligible case under the Uniform Interstate Family Support Act or the Uniform Child Custody Jurisdiction and Enforcement Act with a suffix of DU, UE or UM,
or
- you are a party who has an order of custody through a judgment of custody (DC), divorce or separate maintenance (DM), family support order (DS), other family matter case (DZ), an order of filiation (DP), or an eligible order under the Uniform Child Custody Jurisdiction and Enforcement Act.

You cannot use this form:

- to start a new custody case; or
- if you are not a party and want to intervene to get custody of the child(ren) in a pending case for custody, divorce, separate maintenance, family support, or paternity.

By filling in this form and using the instructions, you are representing yourself in a court action regarding custody. To allow the court to consider your request, you must follow the instructions. If you fail to do even one of the required steps, the court may not be able to consider your request and your motion could be dismissed and costs and attorney fees ordered for you to pay to the other party or to the court.

You will need to use your court papers from your case to fill out this Motion form. If you do not have a copy of your court order, you may obtain one from the Circuit Court Clerk.

After you fill out this motion form, you must file it with the court and serve it on the other party. Then you will need to attend the hearing. Read the instructions carefully. It is recommended that you use the checklist following the motion forms in this booklet to make sure you've done everything that you need to.

NOTE: DO NOT USE THESE FORMS/INSTRUCTIONS TO REQUEST PERMISSION TO CHANGE THE DOMICILE OF A MINOR CHILD OR TO REQUEST PERMISSION TO CHANGE YOUR RESIDENCE PURSUANT TO SECTION 11 OF THE CHILD CUSTODY ACT. CONTACT THE FRIEND OF THE COURT TO SEE IF FORMS ARE AVAILABLE FOR THOSE PURPOSES.

INSTRUCTIONS FOR USING “MOTION REGARDING CUSTODY”

1. Fill out the motion form.

Use the instructions provided. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, you must contact the assigned Referee Assistant (969-6500) to obtain information about which day of the week the Family Division Referee to which your case is assigned hears motions. You must then pick a date far enough in advance to give proper notice to the other party. If you are going to have the motion personally served on the other party, it must be served at least 7 days prior to the scheduled hearing. If you are going to serve the other party by regular (1st class) mail, it must be mailed at least 9 days prior to the scheduled hearing. Remember to completely fill out the “Notice of Hearing” section with the date, location of hearing, and name of the Referee who will be hearing your motion.

PLEASE NOTE: The Referee Assistants are best able to ensure that your matter will be properly noticed before the assigned referee on his or her first available date. As Assistants spend a considerable amount of time in the courtroom, you may have to leave a message. Please be sure to leave your name, phone number and case name and number so the Referee Assistant can answer your questions. Your call will be returned no later than the close of business the next day.

Make at least 4 copies of all pages of your motion after you have filled it out.

2. File the Motion form with the Circuit Court Clerk.

Take the original and 4 copies of the Motion to the Circuit Court Clerk. You must pay a \$20.00 filing fee AND a judgment fee, which is currently \$80.00 for custody motions.

Remember to make sure the name of the assigned Judge and assigned Referee are indicated on your motion. If you don't know the assigned judge and/or referee, that information can be obtained from the Circuit Court Clerk. The Clerk will keep the original and 1 copy of the motion and any attachments. The original is for the court file and the Clerk will forward a copy to the Friend of the Court. The Clerk will return the remaining copies and any remaining attachments to you. Do not lose them.

After you have filed your Motion with the Clerk, you should have at least 2 copies of the Motion and Notice of Hearing, as well as an original and two copies of the Certificate of Mailing:

- One copy for your records
- One copy of the Motion and Notice of Hearing to serve (mail) on the other party
- The original and four copies of the Certificate of Mailing to file as proof of service (one for the court file and one for the Friend of the Court), one Certificate of Mailing for your records, and one copy for the other party.

SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the Motion, Notice of Hearing and Certificate of Mailing on the other party.

The other party must be served with the motion and hearing date at least 9 days before the hearing date, if service is by mail, and at least 7 days before the hearing if service is made personally. You may serve the papers by mailing them to the other party by regular first class mail. **Pursuant to the Michigan Court Rules [MCR 3.203], you must mail the Motion to the “legal address” on file with the Friend of the Court.** If you do not know the legal address, you may request that information from the Friend of the Court. You may also send the Motion to a different address if you believe that the FOC address is not good.

What you need for service:

- 1 copy of the Motion with any attachments, Notice of Hearing, and Proof of Service/Certificate of Mailing – for the other party
- The original and one copy of the Certificate of Mailing to file with the Circuit Court Clerk

2. Return to the Circuit Court Clerk.

Once you have served the motion, notice of hearing and Proof of Service/Certificate of Mailing, return to the Circuit Court Clerk’s Office with the original and one copy of the Certificate of Mailing. Remember to keep one copy for your records. The Clerk will deliver one copy to the Friend of the Court.

3. Answer from the other party.

If you receive an Answer 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.

4. Attend the hearing.

You must attend the hearing on your motion. You must appear on time for your motion. Failure to arrive on time or to be prepared will likely result in the dismissal of your motion. Court costs and attorney fees may also be ordered. You will be required under oath to assure the Court that you have properly served the other party with a copy of the Motion and Notice of Hearing.

MOTION PRACTICE/THE MOTION HEARING

In Calhoun County, this type of motion is heard by the assigned Family Division Referee. The purpose of the motion hearing is to allow the Court the opportunity to determine if the facts you have stated in your motion show a **significant** change in circumstances and/or proper cause to justify changing the current custody orders of the Court. The Court must determine whether there are contested factual issues that must be resolved in order for the Court to make an informed decision on the motion.

ATTENDING YOUR MOTION HEARING:

1. Since you are representing yourself, you are expected to conduct yourself just as an attorney would. You will be required to follow the same general rules an attorney must follow. You can expect that the referee has read your motion, any response from the other party, and has reviewed your court file.

2. Make a list of information you feel is important for the referee to know. The information should relate to the reasons stated in your motion. Your list will be helpful as a reminder to bring up all of the points that you feel are important.
3. Go to the hearing room on the scheduled date and time. Dress neatly. Get there 10 or 15 minutes early.
4. Go to the hearing room and let the Referee Assistant know that you are there for a hearing, and that you are representing yourself. DO NOT interrupt any hearing in progress. Take a seat in the waiting area and wait for your case to be called.
5. When your case is called, go to the hearing area and clearly state the following:
 - Your name
 - That you are representing yourself
 - That you are requesting a custody order or a change in a custody order
 - The facts or reasons for your request
 - Why you believe this order would be in the best interests of the child(ren)
6. Be sure to bring with you information about your income as well as the number of overnights each parent currently has the minor child(ren) with him and her each year.

If the other party is in court, he or she will have a chance to speak, also. When the other party talks, take notes. DO NOT interrupt the other party. After the other party speaks, you may have more time to talk. Taking notes will help you with this.

If, after considering your position and that of the other party, the Referee feels that there are contested factual issues which may show a significant change of circumstances and/or may show proper cause to change the current custody order, your motion will then be scheduled for a custody (evidentiary) hearing. The Court will advise you and the other party of the date and time of the custody (evidentiary) hearing. You and the other party will need to be prepared to advise the referee of the number of witnesses and/or other evidence you intend to use at the time of the hearing, so that the referee can schedule an adequate amount of time for the custody (evidentiary) hearing. In complex cases, you may also be required to file a witness list with the Court and the other party, exchange records, or comply with any other request that the Court deems appropriate. If the Court determines the need for these things, the Court will issue a "Scheduling Order" that outlines what each party has to do and the time frames for doing it.

If the Referee determines that your motion fails to demonstrate contested factual issues which show either a significant change of circumstances and/or proper cause justifying a change of custody, your motion will be dismissed at the motion hearing. Costs and attorney fees may likewise be ordered.

INFORMATION ABOUT ATTENDING THE CUSTODY (EVIDENTIARY) HEARING: Bring the original and 5 copies of an Order Regarding Custody and Parenting Time and, as needed, and the Uniform Child Support Order (Form FOC 10/52) with you to the hearing. You must also be prepared with the presentation of evidence you intend to use to support your position.

1. Just as in the motion hearing, you are representing yourself. You are expected to conduct yourself just as an attorney would and you will be required to follow the same general rules.

2. Make a list of information you feel is important for the referee to know. The information should relate to the reasons stated in your motion. Your list will be helpful as a reminder to bring up all of the points that you feel are important.
3. If you intend to present a witness who you are not sure will testify voluntarily, be sure to subpoena that witness following the procedures in Michigan Court Rule 2.506, or consult with an attorney.
4. Go to the 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. Bring any witnesses with you.
5. You may be responsible for preparing an order or orders resulting from your hearing. Bring all copies of the order forms (available in this booklet) with you.
6. Go to the hearing room and let the Referee Assistant know that you are there for a hearing, and that you are representing yourself. DO NOT interrupt any hearing in progress. Take a seat in the waiting area and wait for your case to be called.
7. When your case is called, you will take a seat at a counsel table. The referee will initially take care of some preliminary matters. You will then be asked to proceed with your opening statement, after which you will present your case/evidence.
8. If the other party is in court, he or she will have a chance to ask questions of any of your witnesses, and to present a case, also. When the other party talks, take notes. DO NOT interrupt the other party. After the other party speaks, you may have another chance to talk. Taking notes will help you with this.
9. When the referee makes a decision, listen carefully to what the referee says. If the referee directs you to prepare the order, you must follow the instructions for preparing and submitting the Order Regarding Custody, Parenting Time and the Uniform Child Support Order, as directed later in this booklet.

NOTE: Under the Michigan Court Rules, a referee's order has immediate interim effect for a 21-day period, after which it becomes a final order of the court unless a party has filed a motion to have the order set aside. This is a separate procedure for which instructions and forms may be obtained from the Friend of the Court.

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT"

Please print neatly. After filling in the form, you will need to make at least 4 copies. Items **A** through **J** 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 Number, get your court papers from your divorce, separate maintenance, paternity, or family support case, family matter or eligible interstate case, 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 "Intervening 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 judgment 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.** and write in the date of the most recent order on the line provided. If there is no information about custody, check box **b.** and skip to item **E.**

D Check this box only if you checked box **a.** in paragraph **C** on the Motion form. Read your last court order in your case to find out how custody was ordered to. Write the names of the children, and indicate how legal and physical custody is set forth in the last court order.

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. You should complete this paragraph even if you checked paragraph **C.b.**

F State the significant changes that require a custody order or 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 and check the box "see attached page". Type or print this information neatly. You will need a copy of this sheet for each copy of your Motion.

G State the causes that require a custody order or change in custody. Explain in as much **detail** as possible what those causes are. If you need more space, use a separate sheet of paper and check the box "see attached page". Type or print this information as neatly as you can and attach to all copies of your Motion.

H You need to **explain in** as much **detail** as possible what you want the court to order. If you need more space, use a separate sheet of paper, and check the box "see attached page". You need to include information about support and parenting time as well. Type or print this information as neatly as you can. You will need to attach copies of all extra sheets to each copy of your Motion.

I Write in the date that you complete the Motion and sign your name. Now contact the assigned Referee Assistant (969-6500) to obtain a hearing date. You must have a hearing date far enough in advance for you to give proper notice (9 days if mailing) to the other party.

J Once you have a motion hearing scheduled, fill in the full name of the assigned Family Division Referee who will be hearing the motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the location (hearing room) of the hearing. Go to the Court Clerk's office with the original of this form and attachments, with one copy of each for the Friend of the Court. You will be required to pay the motion fee and judgment fee at the time that you file your motion. Read the instructions in this booklet for details about serving your motion on the other party.

- Make copies of your motion form and attachments for you, for the other party(ies), and for the Friend of the Court. Go to the Circuit Court Clerk's Office in the Justice Center in Battle Creek with the original and a copy of all pages of this form. These must be filed with the Clerk (the original for the court file and one for the Friend of the Court).
- **STOP** Read "Instructions for Filing a Motion and Serving a Motion" in this booklet for additional details on filing your motion with the Court and serving your motion on the other party.

K On the day that you serve a copy (and the separate sheets) on the other party, write in the date and sign your name on the Proof of Service/Certificate of Mailing. Return to the Circuit Court Clerk with the original and a copy of the Certificate of Mailing. Keep one copy for your records.

You must be sure to read this entire booklet.

Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

Court Telephone: (269) 969-6500

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

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

Intervening Party's name, address and telephone no. moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

C1. a. On _____ a judgment or order was entered regarding custody.
date

b. There is no current order for custody.

D 2. The current custody orders are as follows:

Name(s) of child(ren):

1) _____ see additional sheet

2) _____

3) _____

- | | | | |
|--|------------------------------------|------------------------------------|--|
| <input type="checkbox"/> joint legal custody to | <input type="checkbox"/> plaintiff | <input type="checkbox"/> defendant | <input type="checkbox"/> Intervening Party |
| <input type="checkbox"/> joint physical custody to | <input type="checkbox"/> plaintiff | <input type="checkbox"/> defendant | <input type="checkbox"/> Intervening Party |
| <input type="checkbox"/> sole legal custody to | <input type="checkbox"/> plaintiff | <input type="checkbox"/> defendant | <input type="checkbox"/> Intervening Party |
| <input type="checkbox"/> sole physical custody to | <input type="checkbox"/> plaintiff | <input type="checkbox"/> defendant | <input type="checkbox"/> Intervening Party |

E3. The children have been living with _____ at _____

_____ since _____
Complete address date

F 4. Circumstances have changed as follows that require custody or a change in custody: see attached page.

(Use a separate sheet to explain in detail what has happened and attach to this motion.)

G 5. Proper cause exists as follows that requires custody or a change in custody: See attached page.

(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. I ask the court to order custody and parenting time as follows:

Use a separate sheet to explain in detail what you want the court to order, and attach to this motion. [] see attached page

Further, I ask that child support be set consistent with the Michigan Child Support Formula.

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

I _____
Date

Moving Party's Signature

NOTICE OF HEARING

A hearing will be held on this motion before _____ on _____
Name of Referee Date

J at _____ in hearing room # _____, Justice Center, 161 E. Michigan Ave., Battle Creek, MI
Time

NOTE: If you are the person receiving this motion, you may file a response use Instructions for form FOC88, Response to Motion Regarding Custody. Contact the Friend of the Court and ask for the Custody Pro Per Forms and Instructions.

Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

Court Telephone: (269) 969-6500

BPlaintiff's name, address and telephone no. moving party moving party v

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

Intervening Party's name, address and telephone no. moving party moving party

4. Continued from page 1

5. Continued from page 1

6. Continued from page 1.

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

I _____
Date

Moving Party's Signature

Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

Court Telephone: (269) 969-6500

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

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

Intervening Party's name, address and telephone no. moving party moving party

CERTIFICATE OF MAILING

I CERTIFY THAT ON THIS DATE I MAILED A COPY OF THIS MOTION, NOTICE OF HEARING AND CERTIFICATE OF MAILING TO THE OTHER PARTY OR PARTIES BY ORDINARY MAIL TO THE ABOVE ADDRESS(ES).

K _____
Date

Moving Party's Signature

**MOTION TO MODIFY CUSTODY, PARENTING TIME AND CHILD SUPPORT
CHECKLIST
YOUR FINAL REVIEW**

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

DID YOU . . .

1. Fill out and complete all necessary information on the Motion form? YES []
2. Make all necessary copies? YES []
3. File the motion with the Clerk of the Court? At that time you will need to pay both the motion fee and judgment fee to the Clerk of the Court. YES []
4. Serve a copy of the motion on the other party and on any other custodian/guardian? YES []
5. File a proof of service/Certificate of Mailing with the Clerk of the Court? YES []
6. Keep one copy of the motion and notice of hearing form for yourself? 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, and you may be assessed court costs and attorney fees.

By using this form packet you are representing yourself in a court action regarding custody, parenting time and child support. To allow the court the ability to consider your request, you must follow the instructions in this packet. If you fail to do even one of the required steps, the court may not be able to consider your request and your motion may be delayed or dismissed, and you may be assessed court costs and attorney fees.

Note: If the court considers a change in custody, it must also consider a change in the support obligation. The court is required to use the Michigan Child Support Formula in deciding the appropriate amount of support, unless the court finds that using the Formula would be unjust or inappropriate. In order to make a support determination, the court will need the income or earning capacity of each of the children's parents, if they are parties to the underlying court action. The court will also need to determine the annual number of overnights each party will have the child(ren) in their physical custody.

37TH JUDICIAL CIRCUIT FAMILY DIVISION

ANSWER TO MOTION REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT

Use this form if:

- you are served with a Motion Regarding Custody, Parenting Time and Support. By filling out this form, you are formally answering the statements made in the motion.

By filling in this form and using the instructions, you are representing yourself in a court action regarding custody, parenting time and support. The Court must be sure that you and the other party follow the Michigan Court Rules, Michigan Rules of Evidence, and applicable statutes and case law in presenting and considering motions to change any current court orders. In order for the court to consider your position, you must carefully follow the instructions. If you fail to do even one of the required steps, the court may not be able to consider your Answer. Note: You must formally file an Answer to the motion in order to be assured that the court can consider your position. Simply appearing at the motion hearing may not be sufficient..

Please read all of the instructions before beginning your Answer. If you fail to do even one of the required steps, the court may not be able to consider your Answer, and the other party's motion could be granted without considering your position.

After you fill out the Answer form, you must file it with the court and serve it on the other party. You will then need to attend the hearing. Read the instructions for these things and use the checklist to make sure you've done what you need to do.

You will need to use your court papers and your copy of the Motion Regarding Custody, Parenting Time and Support to fill out this Answer form.

INSTRUCTIONS FOR USING THE ANSWER TO MOTION FORM

3. Fill out the Answer to Motion form.

If you receive a motion and notice of hearing from the other party, you need to respond in writing to the party and the court. Use the instructions for the Answer to Motion form. Be careful not to make any mistakes. **After you have filled out your Answer to Motion form, make enough copies of the form and any attachments to serve the other party, any Intervening Party, and to file with the Clerk and the Friend of the Court.**

4. File the Answer form with the Circuit Court Clerk.

Take the original and 3 copies of the form to the Circuit Court Clerk at the Justice Center in Battle Creek. The Clerk will keep the original for the court file and will send one copy to the Friend of the Court. Then the Clerk will return 2 copies and any remaining attachments to you. Do not lose them.

When you leave the Clerk's Office, you should have 2 copies of the Answer form with attachments. You should also prepare an original and make 3 copies of the Certificate of mailing:

- One copy of your Answer and Certificate of Mailing for your records
- One copy of each to serve (mail) on the other party and on any Intervening Party
- The original and a copy of the Certificate of Mailing to file as proof of service (one for the court file and one for the Friend of the Court).

SERVING THE ANSWER ON THE OTHER PARTY

1. Serve your Answer on the other party.

The other party must be served with your Answer. You may choose to have the party served personally, or you may serve the party by regular, first class mail. If you choose personal service, the party must be served a copy of your Answer at least 3 days before the hearing date. If you serve by ordinary mail, you must mail your Answer at least 5 days before the hearing date. Be sure your Answer is filed timely with the Clerk of the Court. **Pursuant to the Michigan Court Rules [MCR 3.203], you must mail the Answer to the "legal address" on file with the Friend of the Court.** If you do not know the legal address, you may request that information from the Friend of the Court. You may also send the Answer to a different address if you believe that the FOC address is not good.

What you need for service:

- 1 copy of your Answer form with any attachments – for the other party
- The original and one copy of the Certificate of mailing – for proof of service
- Any additional copies of your Answer with any attachments – for any other custodian or guardian if there is someone other than the other parent who has care and custody of the child(ren).

Serve 1 copy of your Answer with attachments on the other party and on any Intervening Party. Then fill out the Certificate of Mailing and make 2 copies. Keep 1 copy for your records.

2. Return to the Circuit Court Clerk.

Once you have served your Answer and have filled out the Certificate of Mailing or a proof of service, return to the Circuit Court Clerk's Office with the original and 1 copy. Remember to keep one copy for your records. The Clerk will deliver one copy to the Friend of the Court.

3. Attend the hearing.

You should attend the hearing on the motion if you want the court to consider your Answer.

INFORMATION ABOUT ATTENDING THE MOTION HEARING

Bring your copy of the motion and your Answer along with any supporting papers with you when you appear for the motion hearing.

1. Since you are representing yourself, you are expected to conduct yourself just as an attorney would. You will be required to follow the same general rules that an attorney would.
2. Make a list of information you feel is important for the referee to know. The information should relate to the reasons stated in your Answer. Your list will be helpful as a reminder to bring up all of the points that you feel are important.
3. Go to the hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early.
4. Go to the hearing room and let the Referee Assistant know that you are there for a hearing, and that you are representing yourself. **DO NOT** interrupt any hearing in progress. Take a seat in the waiting area and wait for your case to be called.
5. When your case is called, go to the hearing area and clearly state the following:
 - Your name
 - That you are representing yourself
 - That you want to respond to the other party's request to change the current custody, parenting time and support order
 - The facts or reasons in support of your Answer.
6. Answer the referee's questions clearly and directly.
7. At the motion hearing, the referee must determine if there is a **significant** change in circumstances to warrant a change in the existing custody, parenting time and support order. If at the motion hearing the referee determines that the moving party has established a significant change in circumstances, an evidentiary hearing will be set for a future date. The Court will advise you and the other party of the date and time of the custody (evidentiary) hearing. You and the other party will need to be prepared to advise the referee of the number of witnesses and/or other evidence you intend to use at the time of the hearing, so that the referee can schedule an adequate amount of time for the custody (evidentiary) hearing. In complex cases, you may also be required to file a witness list with the Court and the other party, exchange records, or comply with any other request that the Court deems appropriate. If the Court determines the need for these things, the Court will issue a "Scheduling Order" that outlines what each party has to do and the time frames for completing the requirements.

If the Referee determines that the other party's motion fails to demonstrate contested factual issues which show a significant change of circumstances and/or proper cause justifying a change of custody, the motion will be dismissed at the motion hearing. If there is no significant change in circumstances, the referee may require you, as the prevailing party, to prepare the dismissal order.

THE EVIDENTIARY HEARING: At the evidentiary hearing, the moving party will be required to present evidence and testimony in support of the request to modify your order. As the responding party, you will be given the opportunity to present your own evidence and testimony.

1. Just as at the motion hearing, you will be representing yourself. You are expected to conduct yourself just as an attorney would. You will be required to follow the same general rules an attorney must follow. You can expect that the referee has reviewed the other party's motion, your Answer, and has reviewed the decision from the motion hearing.
2. Make a list of information you feel is important for the referee to know, and of any witnesses you will be calling to support your position. The information should relate to the reasons stated in your motion. Your list will be helpful as a reminder to bring up all of the points that you feel are important.
3. Go to the hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early.
4. Go to the hearing room and let the Referee Assistant know that you are there for a hearing, and that you are representing yourself. DO NOT interrupt any hearing in progress. Take a seat in the waiting area and wait for your case to be called.
5. When your case is called, go to the hearing area and clearly state the following:
 - Your name
 - That you are representing yourself
 - That you are responding to a motion to modify custody, parenting time and child support
 - The facts or reasons supporting your Answer
6. When your case is called, you will take a seat at a counsel table. The referee will initially take care of some preliminary matters. You will then be asked to proceed with your opening statement, after which you will present your case/evidence.
7. If you intend to present a witness who you are not sure will testify voluntarily, be sure to subpoena that witness following the procedures in Michigan Court Rule 2.506, or consult with an attorney.
8. When the referee makes a decision, LISTEN CAREFULLY to what is said. You should write down exactly what the referee states, so that you can be sure that the resulting order reflects exactly what is ordered in court.

NOTE: Under the Michigan Court Rules, a referee's order has immediate interim effect for a 21-day period, after which it becomes a final order of the court unless a party has filed a motion to have the order set aside. This is a separate procedure for which instructions and forms may be obtained from the Friend of the Court.

INSTRUCTIONS FOR COMPLETING "ANSWER TO MOTION REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT"

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

Items A through J must be completed before your Answer 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 Number, obtain a copy of your court papers and your copy of the Motion Regarding Custody, Parenting Time and Support. Be sure that the moving party has correctly identified the case, and copy the Case Number from that paper onto this form.

B Also use the motion to fill in the "Plaintiff" and "Defendant" boxes. Copy the names from the motion 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 Answer form.

The other party is the "moving party". Once you have written the names where they belong, you must check the box "moving party" in the same box as the other party's name.

C **Check only one box.** If you have a judgment or order for divorce, separate maintenance, paternity, or family support, other family matter or eligible interstate order, 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 a. in **C** above. Read your court papers to find out who was ordered to have custody. Write this information here.

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 from what was ordered.

F Check whether you agree or do not agree with what was said in the Motion. If you check the box "do not agree", **explain** in as much **detail** as possible what you do not agree with and why. Type or print this information as neatly as you can. If you need more space, use a separate sheet of paper and mark the box "separate sheet attached". You will need to attach copies of this sheet to all copies of your ANSWER form.

G Check whether you agree or do not agree with what was said in the Motion form. If you check the box "do not agree", **explain** in as much **detail** as possible what you do not agree with and why. Type or print this information as neatly as you can. If you need more space, use a separate sheet of paper and mark the box "separate sheet attached". You will need to attach copies of this sheet to copies of the ANSWER form.

H **Explain** in as much **detail** as possible what you want the court to order. If you need more space, use a separate sheet of paper and mark the box "separate sheet attached". Print your explanation as neatly as you can. You will need copies of this sheet to attach to the copies of your Answer form.

I Write in today's date and sign your name to your original Answer form and any attached sheets you have used.

- Make copies of your Answer and attachments for you, for the other party(ies), and for the Friend of the Court. Go to the Circuit Court Clerk's Office in the Justice Center in Battle Creek with the original and a copy of all pages of this form. These must be filed with the Clerk (the original for the court file and one for the Friend of the Court).

- **STOP** Please read the instructions in this booklet for additional details about filing your ANSWER with the Court and serving your Answer on the other party.
- **Note:** Timeliness is very important. Failure to file and serve your Answer may result in the Court being unable to consider your position and Answer to the motion.

K On the date you mail 1 copy of all pages of your Answer to the other party, write in the date and sign your name on the Certificate of Mailing. The date that you sign the Certificate of Mailing must be the date that you mailed your Answer and attachments (if any) to the other party.

- Return to the Circuit Court Clerk with 2 copies of the Certificate of Mailing.

Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

Court Telephone: (269) 969-6500

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

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

Intervening Party's name, address and telephone no. moving party

C 1. a. On _____ a judgment
Date

or order was entered regarding custody.

b. There is no current order for custody.

D 2. The plaintiff defendant Intervening Party was ordered to have custody of the children as follows:

List names and dates of birth of the children:

E 3. The children have been living with _____ at _____ since _____
Complete address date

F 4. I agree do not agree that circumstances have changed as stated in the Motion: (Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet if necessary.) **separate sheet attached.**

G 5. I agree do not agree that proper cause exists as stated in the motion: (Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet if necessary.) **separate sheet attached.**

H 6. I ask the court to order that custody, parenting time, and support as follows: Use a separate sheet to explain in detail what you want the court to order, and attach to this motion. **separate sheet attached.**

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

I _____
Date

Responding Party's Signature

Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

Court Telephone: (269) 969-6500

B Plaintiff's name [] moving party

V Defendant's name [] moving party

Intervening Party's name [] moving party

4. Continued from page 1

5. Continued from page 1

6. Continued from page 1

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

| _____
Date

Responding Party's Signature

B Plaintiff's name, address and telephone no. moving party **V** Defendant's name, address, and telephone no. moving party

Intervening Party's name, address and telephone no. moving party

PROOF OF SERVICE

- I CERTIFY THAT ON THIS DATE I PERSONALLY SERVED A COPY OF THIS ANSWER TO MOTION REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT ON THE OTHER PARTY.

- I CERTIFY THAT ON THIS DATE I MAILED A COPY OF THIS ANSWER TO MOTION REGARDING CUSTODY, PARENTING TIME AND SUPPORT TO THE OTHER PARTY BY ORDINARY MAIL AT THE ABOVE ADDRESS.

I _____
Date

Responding party's signature

ANSWER TO MOTION CHECKLIST YOUR FINAL REVIEW

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

DID YOU . . .

1. Fill out and complete all requested information on the form? YES []
2. Make all necessary copies? YES []
3. File the Answer to motion form with the clerk's office? YES []
4. Mail (serve) a copy of the Answer on the other party and on any other legally responsible custodian/guardian or intervening party? YES []
5. Return to the clerk's office **after** you mailed the Answer to the other party to file the certificate of mailing? YES []
6. Keep one copy of your Answer and Certificate of Mailing for yourself? YES []
7. Give 2 copies of the completed form to the clerk of the court? YES []

You must attend the hearing on the motion if you want the court to consider your ANSWER.

If you cannot answer "yes" to all of the above steps, the court may not be able to consider your Answer at the hearing on the motion.

By using this form packet you are representing yourself in a court action regarding custody. In order for the court to consider your answer, you must follow the instructions in this packet. If you fail to do even one of the required steps, the court may not be able to consider your position at the hearing on the motion.

Note: If the court considers a change in custody, it must also consider a change in the support obligation. The court is required to use the Michigan Child Support Formula in deciding the appropriate amount of support, unless the court finds that using the Formula would be unjust or inappropriate. In order to make a support determination, the court will need the income or earning capacity of each of the children's parents, if they are parties to the underlying court action. The court will also need to determine the number of overnights during which each party will have the child(ren) in their physical custody per year.

**37th JUDICIAL CIRCUIT COURT
FAMILY DIVISION**

**ORDER REGARDING
CUSTODY AND PARENTING
TIME and UNIFORM SUPPORT
ORDER**

If you have had a hearing on your motion regarding custody, the referee will direct that orders be entered through one of the following methods:

- 1. The referee may draft a recommended order.**
- 2. The referee may approve an order prepared by a party and submitted to the referee at the conclusion of the referee hearing.**
- 3. The referee may direct that a party may draft a proposed order and obtain the approval of all parties and submit to the referee within 7 days of the referee's findings (consent order).**
- 4. The referee may direct that within 7 days of the conclusion of the hearing, a party may serve a copy of a proposed recommended order on all other parties with notice that the order will be submitted to the referee for approval if no objection is filed within 7 days.**

Follow the instructions for the method of order entry directed by the referee.

NOTE: If the court orders a change in custody, it must also order support per the Michigan Child Support Formula. If the referee directs that the moving party will complete the orders, you must follow the directions for entry of a Uniform Support Order as well as an Order Regarding Custody.

ORDER ENTRY PROCESSES:

I. Referee-Drafted Order:

If the referee tells you that he or she will draft the order, neither party has the responsibility for entry of the order. The referee will complete the order and send it to all parties.

II. Party-Prepared Orders:

If the Court/Referee made a finding and directed that you prepare and notice the order for entry, you must comply with that request. A Court speaks through its written orders. Since you have decided to represent yourself, you may be responsible for preparing the order and presenting it for entry as directed by the Referee. Unless your order is properly entered by the Court, it is not an order even though the Referee's findings are on the record. The order may be entered by the Court through one of the following procedures.

A. At Hearing

If a moving party is prepared to submit an order at the conclusion of the hearing, the referee may approve the order at that time. If the referee approves the order, the referee will submit it as written to all parties as outlined in Section I. above (as a proposed order with interim effect and an objection period). If you are a moving party, you may prepare the Order Regarding Custody and the Uniform Support Order (FOC10/52), if needed, by following the instructions provided. If you want the referee to approve the order at the conclusion of the hearing, it must be prepared and ready to present.

B. Consent Order

Within 7 days of the date of the referee's findings, a party may draft a proposed order and have it approved by the other party. Once approved by the other party, the Order regarding Custody and the Uniform Support Order (FOC 10/52) are consent orders, and may be submitted to the referee for approval. Once approved by the referee, the referee will submit the order as written to all parties as outlined in Section I above (as a proposed order with interim effect). If you are a moving party, you must prepare the Uniform Support Order accurately and completely by following the instructions provided.

C. 7-Day Rule [MCR 3.215]

The referee may direct that the moving party prepare and notice the order for entry under the "Referee Seven-Day Rule".

Moving Party – Within 7 days after the conclusion of the referee hearing, the moving party must accurately and completely prepare and serve a copy of a proposed Order Regarding Custody and a Uniform Support Order (FOC 10/52), if needed, on all other parties, along with a notice that the order will be submitted to the referee for approval if there are no objections filed within 7 days of the service of the notice. See the Notice of Entry of Order (FOC54) in this packet.

The moving party must then file the original proposed order(s) and a copy for the Friend of the Court with the Circuit Court Clerk, serve a copy on the other party and any attorneys of record, along with the Notice of Entry and proof of service (Certificate of Mailing). Upon receipt, the Clerk will hold the order for the 7-day objection period, and then, if no objections are filed, submit it to the assigned referee for approval and entry by the Court.

Objecting Party – ***Note: An objection to a Notice of Entry of Order may only address accuracy or completeness of the proposed order, i.e. that it does not reflect the referee’s findings from the hearing.*** In order to object to the noticed order, the objecting party must file an objection in writing with the Circuit Court Clerk, stating what specifically in the proposed order is contrary to or should be included in the order. An Objection to Entry of Order in this packet may be used for this purpose. The objecting party must also file an alternative proposed order containing what is believed to accurately reflect the referee’s findings, and a notice of hearing on the objection. The objecting party must contact the assigned Referee Assistant to obtain a hearing date for the objection. The hearing will take place on the Referee’s motion hearing day/time. Follow the instructions for obtaining a hearing date/time in the instructions for filing a motion contained in this packet.

Objection Hearing – If an objection and notice of hearing was filed, the referee will hold a hearing to review the proposed order and the alternative proposed order, and will approve the order that accurately reflects the findings from the Evidentiary Hearing.

**INSTRUCTIONS FOR COMPLETING “ORDER REGARDING CUSTODY AND PARENTING TIME”
AND “UNIFORM CHILD SUPPORT ORDER”**

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

Items **A** through **E** must be completed before the order can be presented to the referee for review and for entry by the court. Please read the instructions for each item. Then fill in the correct information for that item on the form.

- A** Before you fill in the Case Number, review your court papers, get your copy of the Motion Regarding Custody and copy the Case Number from those papers onto all 3 pages of this form.
- B** Also use your court papers to fill in the “Plaintiff” and “Defendant” boxes, and if applicable, the “Intervening Party” box. Copy the names from these court papers onto all 3 pages of 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 order form.
- C** Fill in the date of the custody evidentiary hearing. If there was no hearing (a stipulated order) leave blank.
- D** If there was a hearing involving custody, check the box “after hearing”.

If you and the other party are filling out this order based on an agreement between both of you and you are not filing a motion with the court, check the box “on stipulation of the parties”. Even if you have checked this box, the court may still require a hearing. If a hearing is required, follow the instructions on filing a Motion Regarding Custody.

- E** Check the box for number 2 only if you filed a Motion Regarding Custody. Check the box for number 3 only if the other party filed a Response to Motion Regarding Custody. Use the following instructions for numbers **4 -11**.

Check only those boxes which say what the referee ordered at the hearing on the motion. Then write in the blank spaces provided what the referee ordered at the hearing. This information must state as closely as possible the exact words of the referee. Use the notes you took at the hearing when filling out this part of the order.

If you did not check number **2**, you and the other party are stipulating to the order. This means that you both have agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must write in as much detail as possible exactly what you agree upon. Make sure you include everything you agree upon. Anything that you do not write down on this form will not be ordered, even if you and the other party had agreed on it.

Complete FOC 10/52 using the instructions which follow for that form.

If you filed a motion and the other party has agreed (consented to) the order, both you and the other party must sign the order. If the other party will not sign the order, follow instructions for noticing the order for entry under the “7-day Rule”. If you and the other party are stipulating to the order, you both must sign the order. *(Note: Support must be ordered pursuant to the Michigan Child Support Formula, unless there is reason that doing so would be unreasonable or unjust. Parties may not stipulate to an order for support that deviates from the Formula – a hearing must be scheduled/held).*

Follow all directions for getting your order entered, depending upon the instructions from the Referee at the hearing. See the Order Entry section of this booklet.

You must be sure to read this entire booklet.

Court Address: 161 E. Michigan Ave, Battle Creek, MI 49014

Court Telephone: (269) 969-6500

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

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

Intervening Party's name, address and telephone no. moving party

C Date: _____
Judge: _____
Referee Approval: _____

D 1. This order is after hearing. by stipulation of the parties.

E THE COURT FINDS:

- 2. A motion requesting custody, parenting time, and support or a change in custody, parenting time, and support was filed.
- 3. A response to the motion was filed.
- 4. A change in circumstances does does not exist which warrants a custody order or change in custody.
- 5. Proper cause does does not exist which warrants a custody order or change in custody.
- 6. It is is not in the best interests of the child(ren) to establish change parenting time.
- 7. A material change of circumstances exists which warrants a change in the support order.
- 8. It is in the best interests of the child(ren) to dismiss the motion.

IT IS ORDERED:

- 9. The motion regarding custody, parenting time, and support is dismissed. The prior order remains in effect.
- 10. Custody is granted as follows:
Name(s) of child(ren): _____

Joint legal to plaintiff defendant Intervening Party

Unless otherwise agreed, a parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with Section 11 of the Child Custody Act of 1970 [MCL 722.31].

Sole legal to plaintiff defendant Intervening Party

Joint physical to plaintiff defendant Intervening Party

Sole physical to plaintiff defendant Intervening Party

11. Parenting time is established changed, as follows:

explain in detail what the court has ordered.

12. Support provisions are as ordered on the Uniform Support Order (FOC 10/52)

- 13. The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. The parents will endeavor to guide a child so as to promote the affectionate relationship between a child and the mother and a child and the father. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary or increase the time allotted to either party, or otherwise take action regarding a child, from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.
- 14. The parent with primary physical custody shall notify the friend of the court in writing whenever the address of a minor child changes.

Date

Judge

INSTRUCTIONS FOR COMPLETING “UNIFORM SUPPORT ORDER”

The Uniform Support Order in this packet is for use with friend of the court cases. If you have obtained an Order Exempting Case from Friend of the Court Services (you have opted out of friend of the court services), you must use the “Uniform Support Order No Friend of the Court Services” FOC 10a/52a, which is available through the SCAO web site.

www.courts.michigan.gov/scao/courtforms/

Note: The Michigan Court Rules require that the court enter support on the latest version of the Uniform Support Order. This packet contains the latest version, dated 7/08. If you are accessing a Uniform Support Order from some other source, be sure that it is the latest SCAO approved version.

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

All items must be completed before the order can be given to the referee for approval. Please read the instructions for all items, then fill in the correct information for that item on the Uniform Support Order.

Case Caption: Before you fill in the Case Number, get your copy of the Motion Regarding Support or your court papers for divorce, separate maintenance, paternity, family support other family matter or qualified interstate order. Copy the Case Number from that paper onto all pages of the Order.

Also use the motion or other court papers to fill in the “Plaintiff” and “Defendant” boxes. Copy the names from the motion or other court papers onto **both pages** of 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 order form.

At the top of the order (each page), you must indicate that the Uniform Support Order is a modification by checking the “Modification” box.

Fill in the names of the assigned Family Division Judge and Family Division Referee, and the date that your hearing was held. If the referee ordered special language in your order (such as deviation from the Child Support Formula), check the box “standard provisions have been modified”.

Section 3 “Child Support”: Complete exactly as the Referee indicated at your hearing. Be sure to enter the payer and payee information correctly, as well as the effective date of the support change and the name(s) and date(s) of birth of the minor child(ren). Accurately and completely enter the amount of the support obligation, being sure to include support, health care premium adjustment or social security credit, the ordinary medical obligation, and the child care obligation, if any. **If there is more than one child, there must be “tiered” support (you must enter the support obligation for when there are multiple children and as each child emancipates).**

Support under the Child Support Formula is based upon the number of overnights annually that each party has the child in his or her physical custody (parenting time that is actually being exercised). You must enter the number of overnights for each of the parties upon which the support calculation is based, which must total 365.

Unless the referee ordered support that deviates from the Formula, check the “do” follow the child-support formula box. (Note: If the referee ordered support that deviates from the Formula, you must check the “do not” follow the formula box as well as the box that states “Standard provisions have been modified” just above Section 1. You must then include the reason(s) for deviation in Section 13, as well as the amount that would have been ordered had the Formula been followed.)

Section 4 “Insurance”: If the referee ordered that one or both of the parties are to maintain health care insurance for the minor child(ren), indicate by checking one or both of the boxes in Section 4, as well as any maximum amount of premium that may have been ordered. (Note: If health care coverage has previously been ordered in your case, the referee may not have ordered any change and the previous order remains in effect.)

Section 5 “Uninsured Health-Care Expenses”: The referee likely ordered a percentage amount for each party for uninsured health care expenses. The percentages must total 100%, and must be in whole percentage points (not tenths or hundredths of a percent). Enter the percentage amount for the plaintiff and defendant. [Note: In cases where the plaintiff or defendant is a third party custodian instead of a parent (such as in a DZ case), the court may order 100% of uninsured medical expenses to be paid by the party who is the parent.] The annual ordinary medical amount is \$345 per year per child (enter \$345 times the number of children).

At the bottom of the second page of the Order, you should indicate your name next to “Prepared by”.

The order must be **complete and accurate**, based upon what the referee stated at the court hearing. Please remember that if it is not in the written order, it is not ordered.

Follow the instructions on the Order Entry Processes (previous pages).

You must be sure to read this entire booklet.

STATE OF MICHIGAN 37th JUDICIAL CIRCUIT CALHOUN COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 1) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address: 161 E. Michigan Ave., Battle Creek, MI 49014 FAX no. (269) 969-6564 Court telephone no. (269) 969-6500

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no. address, telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

Circuit Court Judge: HONORABLE _____
Probate Court Judge: HONORABLE GARY K. REED (P27878)
Family Division Referee:
Referee's Approval (init./date): _____

Date of Referee Hearing:
UNLESS OTHERWISE ORDERED in item 13: standard provisions have been modified (see item 13)

1. The support obligation for a child continues until that child reaches age 18. The support obligation for a child continues thereafter until that child reaches age 19 years and 6 months, as long as the child is regularly attending high school full – time with a reasonable expectation of graduating, and the child is residing full – time with the support recipient or at an institution. Child care for a child continues through August 31 following that child's 12th birthday. The parties must notify each other of changes in child – care expenses and must additionally notify the Friend of the Court if the change ends those expenses.
2. Income withholding takes immediate effect. Payments shall be made through the State Disbursement Unit unless otherwise ordered in item 13.

3. Child Support. The payer has a monthly child support obligation as follows:

Payer:	Payee:	Support effective date:		
Children's names and birth dates:				
Children supported: 1 child	2 children	3 children	4 children	5 or more children
Base support: (includes support plus or minus premium adjustment for health care insurance)				
Support:	\$	\$	\$	\$
Premium adjust.	\$	\$	\$	\$
Subtotal	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$
Child care:	\$	\$	\$	\$
Other:	\$	\$	\$	\$
SS benefit credit:	\$	\$	\$	\$
Total:	\$			
<input type="checkbox"/> Support includes a parental – time offset using ____ overnights for _____ and ____ overnights for _____ . <div style="display: flex; justify-content: space-between; width: 100%;"> _____ Defendant Plaintiff </div>				
The above ordered support provisions <input type="checkbox"/> do <input type="checkbox"/> do not follow the child support formula.				

(see Page 2 for remainder of order)

STATE OF MICHIGAN 37th JUDICIAL CIRCUIT CALHOUN COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 2) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address: 161 E. Michigan Ave., Battle Creek, MI 49014

FAX no. (269) 969-6564 Court telephone no. (269) 969-6500

Plaintiff Name

Defendant Name

v

4. **Insurance.** For the benefit of the children, plaintiff defendant shall maintain health care coverage through an insurer [as defined in MCL 552.602(o)] that includes payment for hospital, dental, optical, and other health care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy
 up to a maximum of \$ _____ for plaintiff. up to a maximum of \$ _____ for defendant.
 not to exceed 5% of the plaintiff's/defendant's gross income.
5. **Uninsured Health - Care Expenses.** All uninsured health care expenses exceeding the annual ordinary medical amount will be paid ___% by the plaintiff and ___% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The yearly ordinary medical amount is _____.
6. **Qualified Medical Support Order.** This order is a qualified medical support order pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll under MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
7. **Retroactive Modification, Surcharge for Past Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge will be added to past due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
8. **Change of Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing, within 21 days of any change in: a) their mailing or residence address and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law under MCL 552.603.
9. **Redirection and Abatement:** Subject to statutory procedures, the friend of the court : 1) may redirect support paid for a child to the person who is legally responsible for that child; 2) shall abate support charges for a child who resides on a full-time basis with the payer of support; or 3) shall redirect support to the Department of Human Services for a child placed in foster care.
10. **Fees.** The payer of support shall pay statutory and service fees as required by law.
11. **Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to investigate more than 1 request received from a party each 36 months. A party may also file a motion to modify this support order.
12. **Prior Orders.** Except as changed in this order, prior provisions remain in effect. Support payable under any prior order is preserved. Any past-due support shall be paid in the amount calculated using the Michigan Child Support Formula.

13.

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STATE OF MICHIGAN
37th JUDICIAL CIRCUIT
CALHOUN COUNTY

UNIFORM CHILD SUPPORT ORDER (PAGE 3)

EX PARTE TEMPORARY
 MODIFICATION FINAL

CASE NO.

Court address: 161 E. Michigan Ave., Battle Creek, MI 49014

FAX no. (269) 969-6564 Court telephone no. (269) 969-6500

Plaintiff Name

v

Defendant Name

INTERIM EFFECT OF REFEREE'S DECISION

IT IS FURTHER ORDERED that this recommended order shall enter forthwith and the Referee's findings shall be given immediate effect on an interim basis pending judicial hearing. If a motion to set aside Referee's recommended order is filed, this order will remain in effect and must be obeyed unless changed by later order of this Court. This order will become a final order if no motion to set aside the Referee's recommendation is filed with the Clerk of the Court within 21 days of the date of the service of this recommended order or after de novo hearing as the Court may determine.

IT IS SO ORDERED:

_____ Date

_____ Circuit Court Family Division Judge
Probate Court Judge

_____ Bar No. P26033
Bar No. P27878

NOTICE OF RIGHT TO REQUEST JUDICIAL HEARING

Either party has the right to request a judicial hearing, within 21 days after date of service, set forth below, by filing a Motion to Set Aside Referee's Recommendation, along with a Notice of Hearing, properly scheduling the matter before the assigned Honorable. The party requesting the judicial hearing must serve the motion and notice of hearing on all interested parties and attorneys of record. The original motion and notice of hearing, together with the proof of service, must be filed with the Circuit Court Clerk's Office, Family Division.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties and their attorneys by first class mail addressed to their last known addresses as defined in MCR 3.203.

_____ Date

_____ Authorized Representative

**STATE OF MICHIGAN
37th JUDICIAL CIRCUIT
CALHOUN COUNTY**

**NOTICE OF ENTRY OF ORDER
MCR 3.215
Referee 7-Day Rule**

CASE NUMBER

Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

Plaintiff's name, address and telephone no.

Attorney:

v Defendant's name, address, and telephone no.

Attorney:

Hon. _____
Assigned Judge

ASSIGNED REFEREE:

- Norman J. Fryer, Jr., Chief Family Division Referee
- Steven J. Keller, Family Division Referee
- Tina Yost, Family Division Referee
- Phillip Netz, Family Division Referee
- Kristen Getting, Family Division Referee

NOTICE

To: Plaintiff Plaintiff's Attorney
 Defendant Defendant's Attorney

The attached UNIFORM SUPPORT ORDER
 ORDER REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT
 ORDER REGARDING PARENTING TIME

will be submitted to the assigned Family Division Referee for approval and for entry by the Court if there are no objections filed within 7 days of the service of this Notice. (Note: an objection may only address accuracy or completeness of the proposed order.)

Signature of Moving Party

Date

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this Notice of Entry of Order on the Plaintiff Plaintiff's Attorney Defendant Defendant's Attorney by mailing by first class mail addressed to their last known addresses as defined in MCR 3.203.

Date

Signature

Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

Plaintiff's name, address and telephone no.

v Defendant's name, address, and telephone no.

Attorney:

Attorney:

HON. _____

Assigned
ASSIGNED REFEREE:

- Judge**
- Norman J. Fryer, Jr., Chief Family Division Referee
 - Steven J. Keller, Family Division Referee
 - Tina Yost, Family Division Referee
 - Phillip Netz, Family Division Referee
 - Kristen Getting, Family Division Referee

OBJECTION

To: Plaintiff Plaintiff's Attorney Defendant Defendant's Attorney
Objection is filed to the entry of a UNIFORM SUPPORT ORDER; ORDER REGARDING
CUSTODY, PARENTING TIME AND CHILD SUPPORT; ORDER REGARDING PARENTING
TIME which was noticed for entry by the Plaintiff Plaintiff's Attorney Defendant
 Defendant's Attorney on _____.
Date

The Order as noticed is inaccurate or incomplete as follows: (Attach a separate sheet if necessary)

Attached is an alternate order, which accurately reflects the findings of the Family Division Referee.

NOTICE OF HEARING

A hearing shall be held before the assigned Family Division Referee on _____(date)
at _____ am/pm in Hearing Room _____, Justice Center, Battle Creek, Michigan.

Signature of Submitting Party

Date

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this Objection to Entry of Order to the Plaintiff
 Plaintiff's Attorney Defendant Defendant's Attorney by mailing by first class mail
addressed to their last known addresses as defined in MCR 3.203.

Date

Signature

MOTION REGARDING CUSTODY, PARENTING TIME AND SUPPORT

APPENDIX

CHILD CUSTODY ACT OF 1970

MCL 722.23. Best Interests of the child, definition

(In making a custody determination)... the sum total of the following factors is to be considered, evaluated, and determined by the court:

- (a) The love, affection, and other emotional ties existing between the parties involved and the child.
- (b) The capacity and disposition of the parties involved to give the child love, affection and guidance and to continue the education and raising of the child in his or her religion or creed, if any.
- (c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- (d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- (e) The permanence, as a family unit, of the existing or proposed custodial home or homes.
- (f) The moral fitness of the parties involved.
- (g) The mental and physical health of the parties involved.
- (h) The home, school, and community record of the child.
- (i) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.
- (j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.
- (k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.
- (l) Any other factor considered by the court to be relevant to a particular child custody dispute.