37th JUDICIAL CIRCUIT COURT
FAMILY DIVISION
Friend of the Court

Motion for Modification of Child Support Orders

Forms and Instructions

2013 Edition

Form FOC 50

MOTION REGARDING SUPPORT

Use this form if:

- you have a pending case for divorce, separate maintenance, paternity, or family support; or
- you have a judgment of divorce or separate maintenance or an order of filiation but support was not included; or
- you already have support orders in your judgment of divorce or separate maintenance, your order of filiation, or your order of family support **and** you want the court to change support.

MOTION CHECKLIST

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

DID YOU . . .

1. Fill out all requested information on the form? YES ☐
2. Make all necessary copies? YES ☐
3. Pay the motion fee to the clerk? YES ☐
4. Mail (serve) a copy of the motion on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? YES ☐
5. Return to the clerk's office **after** you mailed the motion and notice of hearing to the other party and completed the certificate of mailing? YES ☐
6. Keep one copy of the motion and notice of hearing form for yourself? YES ☐
7. Give two copies of the completed form to the clerk of the court? YES ☐

If you cannot answer "yes" to all the above steps, a hearing on your motion may be delayed or your motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required step s, the order you get from the court may not give you the support you want. **Note:** Regardless of the amount of support you ask for, the court is required to use the Child Support Formula in deciding what support should be, unless the court finds that using the formula would be unjust or inappropriate.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

INSTRUCTIONS FOR USING FORM FOC 50
FILING A MOTION AND SERVING A MOTION

»» FILING A MOTION

1. Fill out the Motion form.

Use the instructions on page 6. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the friend of the court office at (269) 969-6500 to find out whom to contact about getting a hearing date. Then contact the person or office as directed by the friend of the court office. Fill in the form with the information you get about the hearing date, location of hearing, and name of the referee who will be hearing the motion.

Make at least five copies of the form and any attachments after you have filled it out.

2. File the Motion form with the circuit court clerk.

Take the original and five copies of the form to the circuit court clerk in the county where your case is located.

You must pay a $20.00 motion fee. If you can't afford to pay the motion fee, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (form MC 20 not included in this packet) to fill out. You will also be required to pay a $40.00 judgment and order entry fee when the motion is filed.

The circuit court clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the motion and any attachments for the court file and the friend of the court. Then the clerk will return four copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

One copy of FOC 50 (with any attachments) - for you
One copy of FOC 50 (with any attachments) - for other party
One copy of FOC 50 - for proof of service to the court
One copy of FOC 50 - for proof of service to the friend of the court

»» SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

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

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the motion and hearing date at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 50 (with any attachments) - for the other party
Two copies of FOC 50 - for proof of service
Any additional copies of FOC 50 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail one copy with attachments to the other party. If there is a custodian or guardian, mail one copy and the attachments to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. **File your Certificate of Mailing.**

   Once you have mailed the motion and notice of hearing and filled out the Certificate of Mailing on the remaining three copies, return to the clerk's office with two copies. Remember to keep one copy for your own records. The clerk will deliver one copy to the friend of the court.

3. **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.

4. **Attend the hearing.**

   You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring all supporting papers you have and any witnesses who are willing to testify.

1. Because 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 think is important for the referee to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder to bring up the points you think are important.

3. If you think you need to order (subpoena) someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.

4. Go to the referee's hearing room on the scheduled day and time. Dress neatly. Arrive there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court.

Bring any witnesses with you.

5. Go into the referee hearing room and tell the referee your name, that you are there for a hearing, and you are representing yourself.
   Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.

6. When your case is called, be prepared to state:

   1) your name.

   2) that you are representing yourself.

   3) that you need a support order or a change in a support order.

   4) the facts or reasons for your request**(bring papers showing your income such as pay stubs, W-2 forms, income tax forms, etc.)**.

   5) why you believe this order would be in the best interests of the child(ren) .

   6) whether you have witnesses in court who are willing to testify.

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

7. 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 will have another chance to talk. Taking notes will help you with this.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet FOC 68, "Objection to Referee's Recommended Order."

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING SUPPORT"

Please print neatly. After filling in the form, you will need to make at least five 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 this 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 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 support. If there is information about support, check box a. If there is no information about support, check box b.

(D) - (F) Check these boxes only if you checked box a. in (C) above. Read your court papers for divorce, separate maintenance, paternity, or family support to find out who was ordered to pay support, child care, and health care; how much; and how often. Write this information here.

(G) Check this box only if you checked box a. in (C) above **and** conditions have changed that require a change in support. **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 four copies of this sheet to attach to four copies of this form.

(H) Check this box if you and the other party have agreed to start support or make changes in the support. **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 four 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 checked (H) above, check the box "Same as 6. above." Otherwise, write in the details. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to copies of this form.

(J) Write in today's date and sign your name. Now contact the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.

(K) Once you get a hearing scheduled, fill in the full name of the referee who will be hearing this motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

- Now go to the circuit court clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you.
- Read page 3 of this booklet for details on mailing this form to the other party.

(L) On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.

- Return to the circuit court clerk with two copies. See page 4 of this booklet for details.

You must read this booklet for directions on the legal process.

Approved, SCAO

Original - Court
1st copy - Other party
2nd copy - Moving party

3rd copy - Friend of the court
4th copy - Proof of service
5th copy - Proof of service

STATE OF MICHIGAN 37th JUDICIAL CIRCUIT CALHOUN COUNTY	MOTION REGARDING SUPPORT	(A) CASE NO.

Court address
161 East Michigan Ave, Battle Creek MI 49014

Court telephone no.
(269) 969-6500

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

v

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

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

(C) 1. ☐ a. On _____ (Date) a judgment or order was entered regarding support.

☐ b. There is currently no order regarding support.

(D) ☐ 2. The ☐ plaintiff ☐ defendant is ordered to pay support of $ _____ each _____ (week, month, etc.).

(E) ☐ 3. The ☐ plaintiff ☐ defendant is ordered to pay child care of $ _____ each _____ (week, month, etc.).

(F) ☐ 4. The ☐ plaintiff ☐ defendant is ordered to pay health care of $ _____ each _____ (week, month, etc.).

(G) ☐ 5. Conditions regarding support have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(H) ☐ 6. _____ (Name) and I have agreed to support as follows:
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 support be** paid as follows: ☐ See 6. above for details.
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____ Date _____ Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____ (Referee)

(K) on _____ (Date) at _____ (Time) at _____ (Hearing Room, 161 E. Michigan Ave, Battle Creek MI 49014).

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

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 51.

CERTIFICATE OF MAILING

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

(L) _____ Date _____ Moving party's signature