

**37th Judicial Circuit Court
Family Division
Friend of the Court**

**How to fill out the Pro Per Packet
Motion Regarding Modification of
Custody, Parenting Time and Child
Support Orders**

Updated 08/2013

This presentation is designed to assist you in understanding how to fill out the purple Pro Per Packet entitled: **Motion Regarding Modification of Custody, Parenting Time and Child Support Orders.**

You will need to obtain the following items in order to complete this packet:

- 1) A copy of the purple Pro Per Packet Entitled: **Motion Regarding Modification of Custody, Parenting Time and Child Support Orders.** This is available free of charge from the Calhoun County Friend of the Court Office or on the web at: www.calhouncountymi.gov/foc and click on Forms.
- 2) A copy of your court papers from your divorce, separate maintenance, custody, paternity, support or eligible interstate case. (To determine if your case is an eligible interstate case contact the Friend of the Court Office at 269-969-6500)

The next slides will guide you through
the process of filling out the page
entitled:

Motion Regarding Custody

- 1) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM
- 2) Write or type the Plaintiff's name, address and telephone number.
Write or type the defendant's name, address and telephone number.
- 3) Check box A or B. By checking box A you are indicating that you have an order entered that orders custody. By checking box B you are indicating there is no order currently ordering custody.

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

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING CUSTODY

(A) **CASE NO.**

Court address _____ Telephone no. _____

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

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

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

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

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

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

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

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

(H) 6. _____ and I agree to custody, support, and parenting time as follows:
Name Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. I ask the court to order that custody, parenting time, and support be as follows:
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) Date _____ Moving party's signature _____

NOTICE OF HEARING

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

(K) on _____ at _____ in _____
Date Time Hearing Room Number, 161 E. Michigan Avenue, 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 88.

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 their last-known addresses as defined in MCR 3.203.

(L) Date _____ Moving party's signature _____

FOC 87 (3/11) MOTION REGARDING CUSTODY MCL 722.21 et seq., MCR 2.119, MCR 3.213

4) Check the box representing the current custody as indicated in the order.

6) State who the children are currently living with. Include the address and the date that they began living at the residence.

7) Explain how the circumstances have changed since the current order entered. If you need more space attach a separate sheet of paper.

8) Write down exactly what you want the court to order regarding custody and parenting time. If more space is needed attach a second sheet of paper

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 JUDICIAL CIRCUIT COUNTY | MOTION REGARDING CUSTODY | (A) CASE NO. |
|---|--------------------------|--------------|

Court address _____ Telephone no. _____

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

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

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

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

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

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

(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. _____ Name _____ and I agree to custody, support, and parenting time as follows: Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. Ask the court to order that custody, parenting time, and support be as follows: Use a separate sheet to explain in detail what you want the court to order and attach.

(J) Date _____ Moving party's signature _____

NOTICE OF HEARING

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

(K) on _____ Date _____ at _____ Time _____ in _____ Hearing Room Number, 161 E. Michigan Avenue, 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 88.

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 their last-known addresses as defined in MCR 3.203.

(L) Date _____ Moving party's signature _____

FOC 87 (3/11) MOTION REGARDING CUSTODY MCL 722.21 et seq., MCR 2.119, MCR 3.213

9) Sign and date the motion.

10) Write or type the name of the assigned Family Division Referee and the date and time of the hearing. Also, include the hearing room in the space provided. A hearing date can be obtained by calling the FOC at (269) 969-6500.

14) Make copies of your motion form and attachments for yourself, for the other party, and for the Friend of the Court. Go to the Circuit Court Clerk's office in the Calhoun County Justice Center in Battle Creek with the original and a copy of all pages of this form. These must be filed with the Clerk. Payment of the appropriate fees will be expected at the time of filing.

15) On the date you mail one copy of all pages to the other party, sign and date the Certificate of Mailing. The date that you sign the Certificate of Mailing must be the date that you served your motion on the other party either by personal service or by mailing. You must then file the certificate of mailing with the **Circuit Court Clerk**.

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

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

MOTION REGARDING CUSTODY

CASE NO.

Court address Telephone no.

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

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

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

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

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

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

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.

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.

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.

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

Date _____ Moving party's signature _____

NOTICE OF HEARING

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

on _____ at _____ in _____
Date Time Hearing Room Number, 161 E. Michigan Avenue, 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 88.

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 their last-known addresses as defined in MCR 3.203.

Date _____ Moving party's signature _____

FOC 87 (3/11) MOTION REGARDING CUSTODY MCL 722.21 et seq., MCR 2.119, MCR 3.213

The next set of slides will guide you
through the process of filling out the page
entitled:
Response to Motion Regarding Custody

1) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM

2) Write or type the Plaintiff's name, address and telephone number. Write or type the defendant's name, address and telephone number.

3) Check box A or B. By checking box A you are indicating that you have an order entered that established custody. By checking box B you are indicating there is no order determining custody. Then complete what the court has ordered (if there is an order).

4) State who the children are currently living with. Include the address and the date that they began living at the residence.

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

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

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

RESPONSE TO
MOTION REGARDING CUSTODY

CASE NO. _____

Court address _____ Telephone no. _____

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

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

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

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

was ordered to have custody of the following child(ren):

D 2. The plaintiff defendant third party

E 3. The child(ren) have been living with _____ at
Name(s)
_____ 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 of paper if needed.

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 of paper if needed.

H 6. I agreed with the other party to custody, parenting time, and support:
 a. exactly as stated in the motion.
 b. but not as stated in the motion.
If b. is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

I 7. a. I agree with what is being asked for in the motion.
 b. I do not agree with what is being asked for in the motion and ask the court to order custody, parenting time, and support as follows: If b. is checked, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed.

J _____
Date Responding party's signature

K _____
Date Responding party's signature

CERTIFICATE OF MAILING

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

FOC 88 (3/11) RESPONSE TO MOTION REGARDING CUSTODY MCL 722.21 et seq., MCR 2.119

5) Check the box that you agree or disagree that the circumstances have changed since the current order entered as stated in the motion.

6) Explain the causes that you agree or don't agree with as stated in the motion. If more room is needed check the box and attach a second piece of paper.

7) Write down exactly what you want the court to order regarding custody and parenting time. If more space is needed check the box and attach a second sheet of paper.

8) Sign and date the motion.

Approved, SCAO

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

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

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

RESPONSE TO
MOTION REGARDING CUSTODY

CASE NO.

Court address _____ Telephone no. _____

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

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

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

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

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

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

(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 of paper if needed.

(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 of paper if needed.

(H) 6. I agreed with the other party to custody, parenting time, and support:
 a. exactly as stated in the motion.
 b. but not as stated in the motion.
If b. is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

(I) a. I agree with what is being asked for in the motion.
 b. I do not agree with what is being asked for in the motion and ask the court to order custody, parenting time, and support as follows: If b. is checked, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed.

(J) Date _____ Responding party's signature _____

CERTIFICATE OF MAILING

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

(K) Date _____ Responding party's signature _____

FOC 88 (3/11) RESPONSE TO MOTION REGARDING CUSTODY MCL 722.21 et seq., MCR 2.119

9) Make copies of your **Answer to Motion** form and attachments for yourself, for the other party, and for the Friend of the Court. Go to the Circuit Court Clerk's office in the Battle Creek Justice Center with the original and a copy of all pages of this form. These must be filed with the Clerk.

10) On the date you mail one copy of all pages to the other party, sign and date the Proof of Service. The date that you sign the Proof of Service must be the date that you served your motion on the other party either by personal service or by mailing.

| | | |
|--|--|--|
| Approved, SCAO | Original - Court 1st copy - Moving party 2nd copy - Responding party | 3rd copy - Friend of the court 4th copy - Proof of service 5th copy - Proof of service |
| STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY | RESPONSE TO MOTION REGARDING CUSTODY | (A) CASE NO. |
| Court address _____ | | Telephone no. _____ |

| | | |
|--|---|--|
| <p>(B) Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party</p> <div style="border: 1px solid black; height: 40px; width: 90%;"></div> <p>Third party name, address, and telephone no. <input type="checkbox"/> moving party</p> <div style="border: 1px solid black; height: 40px; width: 90%;"></div> | v | <p>Defendant's name, address, and telephone no. <input type="checkbox"/> moving party</p> <div style="border: 1px solid black; height: 40px; width: 90%;"></div> |
|--|---|--|

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

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

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

(F) 4. 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 of paper if needed.

(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 of paper if needed.

(H) 6. I agreed with the other party to custody, parenting time, and support:
 a. exactly as stated in the motion.
 b. but not as stated in the motion.
If b. is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

(I) 7. a. I agree with what is being asked for in the motion.
 b. I do not agree with what is being asked for in the motion and ask the court to order custody, parenting time, and support as follows: If b. is checked, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed.

(J) _____
Date Responding party's signature

CERTIFICATE OF MAILING

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

(K) _____
Date Responding party's signature

FOC 88 (3/11) RESPONSE TO MOTION REGARDING CUSTODY MCL 722.21 et seq., MCR 2.119