

**37<sup>th</sup> Judicial Circuit Court  
Family Division  
Friend of the Court**

**How to fill out the Pro Per Packet  
Motion for Change of Domicile/Legal  
Residence**

Updated 08/2013

This presentation is designed to assist you in understanding how to fill out the yellow Pro Per Packet entitled:

## **Motion for Change of Domicile/Legal Residence**

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

- 1) A copy of the yellow Pro Per Packet Entitled: **Motion for Change of Domicile/Legal Residence**. This is available free of charge from the Calhoun County Friend of the Court Office or on the web at: [www.calhouncountymi.gov/foc](http://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 Change of Domicile/Legal Residence**

- 1) Write or type the case number from your court papers in the space provided. Example: 1986-000762DM.
- 2) Write the plaintiff's name, address and phone number. Write the defendant's name, address and phone number.
- 3) In section C, fill in the date of your order that established custody and list what legal custody the Court ordered.
- 4) In section D, list the reasons you believe it is in the best interests of the child(ren) to allow this change.
- 5) In section E, list what you want the Court to order.
- 6) Since you are asking to move away, in section F let the Court know what you believe should be done regarding parenting time.

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

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STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY

MOTION REGARDING CHANGE OF  
DOMICILE/LEGAL RESIDENCE

(A) CASE NO. \_\_\_\_\_

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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

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

v

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

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

(C) 1. On \_\_\_\_\_ a judgment  
Date \_\_\_\_\_  
/or order was entered regarding custody.

2. Legal custody is  joint.  
 sole with the  plaintiff.  defendant.

(D) 3. It is in the best interests of the child(ren) to permit a change in the legal residence or the domicile of the following child(ren) because: Use a separate sheet to explain in detail why it is in the best interests of the child(ren) and attach. Include all necessary facts. Name each child for whom you want this change.

(E) 4. I ask the court to enter an order allowing a change of domicile or legal residence. Use a separate sheet to explain in detail what you want the court to order and attach.

(F) 5. I ask the court to enter an order  continuing the current parenting-time order.  modifying the parenting-time order 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**

(G) A hearing will be held on this motion before \_\_\_\_\_ Referee \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_ 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 116.

**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 attorney by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(H) Date \_\_\_\_\_ Moving party's signature \_\_\_\_\_

FOC 115 (3/11) MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE

MCL 552.505, MCL 722.31, MCR 2.119,  
MCR 3.211(E)

7) Sign and date the motion.

8) 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.

9) 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.

10) 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 CHANGE OF DOMICILE/LEGAL RESIDENCE	(A) CASE NO.
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Court address \_\_\_\_\_ Court 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. On \_\_\_\_\_ a judgment or order was entered regarding custody.  
Date

2. Legal custody is  joint.  
 sole with the  plaintiff.  defendant.

(D) 3. It is in the best interests of the child(ren) to permit a change in the legal residence or the domicile of the following child(ren) because: Use a separate sheet to explain in detail why it is in the best interests of the child(ren) and attach. Include all necessary facts. Name each child for whom you want this change.

(E) 4. I ask the court to enter an order allowing a change of domicile or legal residence. Use a separate sheet to explain in detail what you want the court to order and attach.

(F) 5. I ask the court to enter an order  continuing the current parenting-time order.  modifying the parenting-time order 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**

(G) A hearing will be held on this motion before \_\_\_\_\_ Referee  
on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_  
Date Time 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 116.

**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 attorney by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(H) \_\_\_\_\_  
Date \_\_\_\_\_ Moving party's signature \_\_\_\_\_

FOC 115 (3/11) MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE MCL 552.505, MCL 722.31, MCR 2.119, MCR 3.211(E)

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

**Response to Motion Regarding  
Change of Domicile/Legal  
Residence**

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) In section 3, enter the date of your order for custody.

4) In section D, check the box to indicate if you agree or disagree with the motion and explain why with details.

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 CHANGE  
OF DOMICILE/LEGAL RESIDENCE

CASE NO.

Court address \_\_\_\_\_ Court 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. On \_\_\_\_\_ a judgment or order was entered regarding custody.

(D) 2. I  agree  do not agree to allow a change of domicile or legal residence as requested in the motion. Explain in detail what you do not agree with in item 2. of the motion and why. Include all necessary facts. Use a separate sheet of paper if needed.

(E) 3. I ask the court to enter an order to  allow  not allow \_\_\_\_\_ the change in domicile or legal residence as requested in the motion. If you do not agree with the request in the motion, explain in detail what you want the court to order. Use a separate sheet of paper if needed.

(F) 4. I ask the court to enter an order  continuing the current parenting-time order.  modifying the parenting-time order as stated in the motion.  modifying the parenting-time order as follows: \_\_\_\_\_ If you do not agree with the request in the motion, explain in detail what you want the court to order. Use a separate sheet of paper if needed.

(G) \_\_\_\_\_ 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.

(H) \_\_\_\_\_ Date \_\_\_\_\_ Responding party's signature \_\_\_\_\_

FOC 116 (5/10) RESPONSE TO MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE MCL 552.505, MCL 722.31, MCR 3.211(E)

5) Check the box in section E to indicate if you want the Court to allow the change or not.

6) In section F, indicate what you would like the Court to order in regard to parenting time.

7) Sign and date the response.

8) 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.

9) 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 CHANGE  
OF DOMICILE/LEGAL RESIDENCE

CASE NO.

Court address \_\_\_\_\_ Court 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. On \_\_\_\_\_ a judgment or order was entered regarding custody.

(D) 2. I  agree  do not agree to allow a change of domicile or legal residence as requested in the motion.  
Explain in detail what you do not agree with in Item 2. of the motion and why. Include all necessary facts. Use a separate sheet of paper if needed.

(E) 3. I ask the court to enter an order to  allow  not allow the change in domicile or legal residence as requested in the motion.  
If you do not agree with the request in the motion, explain in detail what you want the court to order. Use a separate sheet of paper if needed.

(F) 4. I ask the court to enter an order  continuing the current parenting-time order.  modifying the parenting-time order as stated in the motion.  modifying the parenting-time order as follows:  
If you do not agree with the request in the motion, explain in detail what you want the court to order. Use a separate sheet of paper if needed.

(G) 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.

(H) Date \_\_\_\_\_ Responding party's signature \_\_\_\_\_

FOC 116 (5/10) RESPONSE TO MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE MCL 552.505, MCL 722.31, MCR 3.211(E)