

Motion Regarding Custody



This motion is for changing a **CUSTODY** order that ALREADY EXISTS. If you DO NOT already have an order or a Friend of the Court case, please do not use this motion.

If you wish to START a child support case including CUSTODY, you must hire an attorney, or call the Department of Health and Human Services - Office of Child Support at 1-866-540-0008. After dialing this number, press 1 and then state that you want to start a case.

Thank you,
Friend of the Court Staff

Form FOC 87

MOTION REGARDING CUSTODY

Use this form if:

- You have a temporary order on a pending divorce, separate maintenance, family support, or paternity case and you want the court to either include a custody provision or change custody; or
- You have a judgment of divorce, order for separate maintenance, a family support order, or a paternity order and you want the court to either include a custody provision or change custody.
- *By filing this motion form, parenting time and support can also be addressed along with custody.*

You cannot use this form:

- To start a custody case; or
- If you are a third party/non-parent and want to intervene to get custody of the child(ren) in a pending or existing case for custody, divorce, separate maintenance, family support or paternity.

INSTRUCTIONS FOR COMPLETING/FILING THE MOTION REGARDING CUSTODY

1. File the motion paperwork with the Jackson County Clerk's office located at 312 S. Jackson St, Jackson, MI 49201. You must pay a \$100.00 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 MC20) to complete. The Clerk's office will provide you with the Judge/Referee assigned to hear your motion and the date, time and the location of your motion hearing. The Clerk's office will prepare a NOTICE OF HEARING containing this information and attach it to your Motion.
2. The County Clerk's office will have you sign and date Section L (CERTIFICATE OF MAILING) in front of them. The County Clerk's office will keep the original motion form and provide you with 2 copies. One copy is for your records. **The other copy must be mailed (by First Class Mail) to the other parent. The other party must have notice at least 9 days prior to the hearing date. Notice must be mailed to the party's last known address.** If there is a non-parent custodian or guardian, ask the Clerk for an extra copy, so you can mail them a copy.
3. The other party can file a response at the County Clerk's office in writing or by using FOC 88 Form--RESPONSE TO MOTION REGARDING CUSTODY. If you receive a response from the other party, make sure to read the response prior to your hearing date.
4. If you live more than 50 miles away from our office and wish to participate by phone for your motion hearing, then note that you require phone participation on your motion form.

NOTE: If your hearing is held in front of a FOC Referee and you do not agree with the Referee's decision, you have the right to object in the hearing room. The Referee will set a hearing date for your Motion Objection to be heard in front of the Judge assigned to your file. This hearing will be held at the Jackson County Courthouse.

Instructions for completing the Motion Regarding Custody

The letters below correspond to the letters on the motion form

- A** Fill in the CASE NO. You can get this number from your court papers for custody, divorce, family support or paternity.
- B** Fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third party" box. This information is also located on your court order. Since you are completing this form, you are the "moving party". Check the box "moving party" in the same box as your name.
- C** If you have a custody order, check box 1.a. and enter the date of the order. If there is no custody order, check 1.b. Complete and attach the Uniform Child Custody Jurisdiction Enforcement Affidavit (MC 416) form provided with this packet.
- D** Check this box only if you checked box "a" in Letter C above. Read your court papers for custody, divorce, separate maintenance, family support or paternity to find out who was ordered to have custody. Write this information here along with the name(s) of the child(ren).
- E** State who the child(ren) are living with now, the address or location where the child(ren) are living, and the date the child(ren) started living there, if it is different than what was ordered.
- F** State the circumstances that require a custody order or a change in custody. Explain in as much detail as possible what has changed. If you need more space, use a separate sheet of paper. Attach this to your motion when you file it.
- G** State the causes that require a custody order or a change in custody. The judge or referee will review these causes using factors from the Child Custody Act to determine the best interests of the child. Explain in as much detail as possible what the causes are. If you need more space, use a separate sheet of paper. Attach this to your motion when you file it.
- H** Check this box and write in the other party's name if you and the other party agree about custody. Explain in as much detail as possible what you agreed to including support and parenting time. If you need more space, use a separate sheet of paper. Attach this to your motion when you file it.
- I** Explain in as much detail as possible what you want the court to order. If you checked H above, you only need to write "same as 6 above ". If you need more space, use a separate sheet of paper. Attach this to your motion when you file it.
- J** Write in today's date (date of filing) and sign your name. Take the completed motion form to the Jackson County Clerk's office to file.
- K** As opposed to having you complete Letter K, the Clerk's office will provide you with a Notice of Hearing to attach to your motion. Do not complete Letter K.
- L** The Clerk's office will have you sign and date Letter L stating that you will mail a copy of this form to the other party by first class mail. After leaving the Clerk's office, immediately mail the motion and all attachments to the other party.

Approved, SCAO

Original - Court
1st Copy - Other Party
2nd Copy - Moving Party

STATE OF MICHIGAN FOURTH JUDICIAL CIRCUIT JACKSON COUNTY	MOTION REGARDING CUSTODY	A	CASE NO.
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Court address 1697 Lansing Avenue, Jackson, MI 49202 **Court telephone no.** 517-788-4470

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

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

v

Defendant's 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.

2. Attached is a completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC 416).

D 3. The plaintiff defendant third party was ordered to have custody of the following child(ren):

E 4. The child(ren) have been living with _____ at _____ since _____
Name(s) Complete address Date

F 5. Proper cause exists or circumstances have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

G 6. It is in the best interests of the child(ren) to establish or change custody for the following reasons:
Use a separate sheet to explain in detail which best interest factors under the Child Custody Act support this motion and attach, include all necessary facts.

H 7. _____ 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 8. **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 _____
Judge/Referee Bar no.
K on _____ at _____ at _____
Date Time Location

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.

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, a Uniform Child Custody Jurisdiction Enforcement Act Affidavit 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

STATE OF MICHIGAN FOURTH JUDICIAL CIRCUIT JACKSON PROBATE COURT COUNTY	UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT	CASE NO. and JUDGE
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Court Address
 1697 Lansing Avenue, Jackson, MI 49202

Court telephone no.
 517-788-4470

Plaintiff's name	v	Defendant's name
In the matter of _____		

1. The name and present address of each child (under 18) in this case are:

2. The Cities/States/Countries the child(ren) have lived in during the last 5 years along with the dates the child(ren) lived there (include addresses if available):

3. The names and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:

4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except**: Specify case name and number, court name and address, and date of child custody determination, if one.

