

Form FOC 87

MOTION REGARDING CUSTODY

YOU MAY USE THIS FORM IF:

- You have a court case for custody, divorce, support, or paternity; or
- You are a party to the court action for custody, divorce, support, or paternity.

YOU CANNOT USE THIS FORM:

- To start a court case; or
- If you are not a named party in the court action.
- If you have an attorney. Contact your attorney for legal assistance.
- If your case number contains any of the following case code types: DI,DF,DW,TI,UW,DR,UC,UN,UD,UI,UO,UF,DO,TO,DU,TU,UE,UM. If you want to establish/modify a custody order in any of these types of cases, you may want to seek legal counsel.

FILE YOUR MOTION AND PAY YOUR FEE TO THE COUNTY CLERK.
DO NOT FILE YOUR MOTION AT THE FRIEND OF THE COURT
OFFICE. DO NOT MAKE YOUR PAYMENT PAYABLE TO THE FRIEND
OF THE COURT.

INSTRUCTIONS FOR USING FORM FOC 87

FILING A MOTION

1. FILL OUT THE MOTION FORM.

Use the instructions on page 4. Type or print neatly. **Make sure you can read all four copies. If you fail to provide all of the required information, your motion may be denied or dismissed.**

2. FILE THE MOTION FORM WITH THE COUNTY CLERK.

Take the original and copies of the form to the County Clerk in the county where your case is located. (Van Buren County Clerk, 212 Paw Paw Street, Paw Paw, MI 49079)

You must pay a \$20.00 motion fee and an \$80.00 judgment fee. The total, \$100.00, is due at the time you file your Motion. Make your money order payable to "Van Buren County Clerk". No personal checks will be accepted by the County Clerk.

The County Clerk will keep the original and all copies of the motion and any attachments for the court file and the Friend of the Court. A copy will then be returned to you at the address you provided on the form, with a hearing date scheduled by the Friend of the Court.

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.

You must attend the hearing on the motion; otherwise your motion may be dismissed.

INFORMATION ABOUT ATTENDING THE HEARING:

Bring all supporting papers you have.

1. By using this form packet, you are representing yourself in a court action regarding custody. Since 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 feel is important for the Referee or Judge to know. The information should relate to the reasons stated in your motion. You can use this as a reminder to bring up the points you feel are important.
3. If you feel you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.

4. Go to the Judge's courtroom or Referee's 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.
5. Do not interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, sit at the appropriate table, marked "Plaintiff" or "Defendant" You may be asked the following:
 - 1) Your name
 - 2) What your request(s) is (are)
 - 3) The facts or reasons for your request. Why you believe this order would be in the best interests of the child(ren)
 - 4) Whether you have witnesses in court who are willing to testify
Answer the 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.
 - 5) If the other party is in court, he or she will have the chance to speak also. When the other party talks, take notes. Do not interrupt the other party.

MOTION CHECKLIST

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

DID YOU.....

- | | | |
|----|---|------------------------------|
| 1. | Fill out all requested information on the form? | <input type="checkbox"/> Yes |
| 2. | Make all necessary copies? FOUR copies | <input type="checkbox"/> Yes |
| 3. | Pay the motion fee to the County Clerk? | <input type="checkbox"/> 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.

•IMPORTANT•

If the opposing party is represented by an attorney, you must include that attorney's name and complete business address on the front of the motion form.

INSTRUCTIONS FOR COMPLETING

"MOTION REGARDING CUSTODY"

Please print neatly, and press firmly with an ink pen, or use a typewriter.

- A** Before you fill in the Case Number, get your court papers for custody, divorce, separate maintenance, or paternity 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 "Third Party" box. If the other party has an attorney, include the attorney's name and address also. Please note, the Plaintiff and Defendant will always be according to the initial filing of the action, therefore, 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. 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 custody, divorce, separate maintenance, or paternity 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 1 a in C above. Read your court papers for custody, divorce, separate maintenance, 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 chil(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 that 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 happened. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to the copies of this form.**
- 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. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to the copies of this form.**
- H** 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. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) 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 completed H above, you only need to write "Same as H above". You need to include information about support and parenting time as well. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- J** Write in today's date and sign your name. DO NOT complete sections K or L.



MOTION REGARDING CUSTODY

Ⓐ CASE NO.

Friend of the Court Address
219 E PAW PAW STREET, PAW PAW, MI 49079

Court Telephone No.
(269) 657-7734
Fax No. (269) 657-8282

Ⓑ

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

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

v

Ⓓ

Third Party name, address and telephone no. moving party

Ⓒ

1. a. On _____ a judgement 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 _____
Name(s)

Complete address

since _____
Date

Ⓕ

4. 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.

Ⓖ

5. 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.

Ⓗ

6. _____ and agree to custody, support, and parenting time as follows:
Name

Ⓘ

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 Lynda Pioch, P50952
Judge/Referee Hearing Room A Bar no.

Ⓚ

on _____ at Friend of the Court, 219 Paw Paw Street, Paw Paw, MI 49079.
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 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 Friend of the Court Office