

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT COUNTY	UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT	CASE NO.
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Court address

Court telephone no.

CASE NAME:

- The name and present address of each child (under 18) in this case is:
- The addresses where the child(ren) has/have lived within the last 5 years are:
- The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:
- 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.
- I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except:** Specify case name and number, court name and address, and nature of the proceeding.
 That proceeding is continuing. has been stayed by the court.
 Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation.
- I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except:** State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is _____ . See back for definition of "home state."

8. I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

Signature of affiant

Name of affiant (type or print)

Address of affiant

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____

Notary public, State of Michigan, County of _____

Form FOC 87 MOTION REGARDING CUSTODY CHECKLIST

Use this form if: You have a pending case for custody, divorce, separate maintenance, family support or paternity; or you are a party who has a custody order through a judgment of custody, divorce, separate maintenance, or family support order, or an order of filiation

You cannot use this form: to start a custody case; or if you are a third party and want to intervene to get custody of the child(ren) in a pending case for custody, divorce, separate maintenance, family support or paternity

1. Completely fill out the requested information on the form. (See Instructions)
2. Once completed, file the completed **original** Motion and the Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA) at the Friend of the Court or the County Clerk's office.

Filing at the Friend of the Court

You **MUST** complete the top section only. **DO NOT** complete the Notice of Hearing or Certificate of Mailing sections. Bring the original to the Friend of the Court office. The Friend of the Court office will provide copies to parties/attorneys; will schedule conferences/hearings; and provide notice to the parties. You may pay by check or money order made out to "Wexford County Clerk" or "Missaukee County Clerk". **We do not accept cash for filing fees.**

Filing at the Clerk's Office

You **MUST** complete the top section **AND** the Certificate of Mailing section. **DO NOT** complete the Notice of Hearing section. Take the original and 5 copies to the Clerk's office in the county the case is filed in. Provide a copy of the Motion to the Friend of the Court office, the other party/attorney and yourself. The Friend of the Court office will schedule conferences/hearings and provide notice to the parties. You may pay by cash, check or money order made out to "Wexford County Clerk" or "Missaukee County Clerk".

3. A filing fee of \$100 (\$20 motion fee and \$80 order fee) must accompany the Motion if it is filed after a Judgment of Divorce or Order of Filiation has entered. In a pending case, a motion fee of \$20 must accompany the Motion.
4. If you cannot afford to pay the filing fee, you may ask for and complete a Fee Waiver Request MC 20.

BY USING THIS FORM PACKET, YOU ARE REPRESENTING YOURSELF IN A COURT ACTION REGARDING CUSTODY. 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 STEPS, THE ORDER YOU GET FROM THE COURT MAY NOT GIVE YOU THE RESULT YOU WANT.

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING CUSTODY"

Please print neatly. After filling in the form, you will need to make at least five copies of the form.

Items A through J 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 custody, divorce, separate maintenance, family support or paternity 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 custody, divorce, separate maintenance, family support, 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 a. in **(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 even 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 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.
- (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. 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 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. Print this information as neatly as you can. You will need four copies of this sheet to attach to four 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, you only need to write "Same as 7. above." If you need more space, use a separate sheet of paper. You need to include information about support and parenting time as well. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- (J)** Write in today's date and sign your name. Now contact the 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 judge or 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 county 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 county clerk with two copies. See page 4 of this booklet for details.

CHILD CUSTODY ACT OF 1970 (EXCERPT)
MCL 722.23. Best interests of the child; factors

Sec. 3. As used in this act, "best interests of the child" means the sum total of the following factors to be considered, evaluated, and determined by the court:

(a) The love, affection, and other emotional ties existing between the parties involved and the child.

(b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.

(c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home or homes.

(f) The moral fitness of the parties involved.

(g) The mental and physical health of the parties involved.

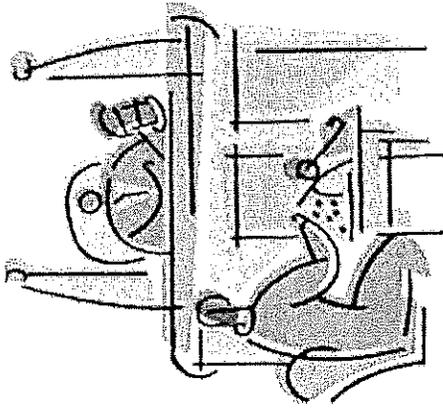
(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.

(j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.

(k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.

(l) Any other factor considered by the court to be relevant to a particular child custody dispute.



Tips for Representing Yourself in Court at a Referee Hearing

A motion has been filed and you have a hearing before the Referee. What should you expect? How should you prepare? Court proceedings can be intimidating. You can lessen your nervousness and better present your case by being prepared. Ideally you would be represented by an attorney at the hearing. Yet, whether it is due to lack of funds or choice, a person coming to court without an attorney can do several things to prepare.

- Observe a similar court proceeding before your court date
- Don't miss your court date. Double-check the date & time.
- Allow plenty of time to get to court.
- Arrive at the courtroom 15 minutes early.
- Come prepared and organized.
- Bring an outline of what you plan to say.
- Prepare a short statement of what you want and why.
- Bring your witnesses with you to court.
- Written letters hardly ever suffice.
- Witnesses cannot appear by telephone without advance approval of the court.
- Write out questions for your witnesses.
- Ask your witnesses the questions before your court date.
- Bring three copies of all documents or exhibits.
- Bring copies of photos you want to show the court.
- Address the judge or referee as "Your Honor."
- Bring paper and pen so you can take notes of what other witnesses say.
- Take notes.
- Dress nicely. Take your hat off in court.
- Do not bring children to court unless specifically required by the court.
- Leave the drama at home. Do not be hostile or rude, and do not interrupt.
- Always update your address with the Friend of the Court

Be aware that court procedures and the Rules of Evidence are followed at a Referee Hearing. Specifics statutes will govern the outcome. Court staff cannot give you any legal advice. You will be best served if you meet with a lawyer to discuss your case in advance, even if the lawyer does not represent you in court. There is also a Michigan Courts Self-Help Center website at <http://courts.michigan.gov/scao/selfhelp/selfhelphome.htm> Don't be afraid to ask attorneys if they offer sliding scale fees or have payment plans.

Upon completion of the Referee Hearing, the Referee will either tell you her recommendation or take the matter under advisement. The Referee then prepares a written Recommendation and Order for the Judge to review. She has 21 days to do so. Upon receipt of the recommended Order review it carefully. If you do not agree with the recommended Order you may object within 21 days of the Order being sent to you and ask for a hearing before the Judge. There are instructions for the review hearing at the bottom of the Referee Recommendation and Order. Objection forms may be obtained at the Friend of the Court Office.