







## MOTION REGARDING CUSTODY

### Use this form if:

You already have a court case for divorce, custody, paternity, or family support and you want the court to order custody for the first time, or change the custody you already have.

### **DIRECTIONS FOR COMPLETING A MOTION REGARDING CUSTODY**

### FILING FEES

\$100 per motion

1. Complete required motion form all the way to the "NOTICE OF HEARING" section.
2. The motion with fee or Fee Waiver Form must be filed either in person or by mail at:

Wexford/Missaukee Friend of the Court  
401 N. Lake Street  
Cadillac, MI 49601

**DO NOT SEND THE FORM TO THE CLERK'S OFFICE  
WE WILL FILE IT WITH THE CLERK FOR YOU**

The Friend of the Court will schedule the mediation appointment or Referee hearing and send the notice to you and the other parent. Your appointment or hearing will be scheduled as the Court's calendar allows.

Use the following checklist to make sure you have completed all necessary steps.

### DID YOU . . .

Fill out all requested information on the form? (Please put a note for the Court in the address section if you do not know the other party's address or the other party's address is confidential.)

By using this form packet, you are representing yourself in a court action regarding parenting time. In order to be heard by the Court, you must follow the instructions. If the instructions are not followed, your motion may be delayed or dismissed.

## INSTRUCTIONS FOR COMPLETING "MOTION REGARDING CUSTODY" and INFORMATION ABOUT ATTENDING A REFEREE HEARING

Items A through J must be completed before your motion can be filed with the Friend of the Court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A) Fill in your Case No., which will be in the upper right-hand corner of your Court papers for divorce, custody, paternity, or family support.
- (B) Fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. These names will also be on your Court papers. 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 also 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 Court order for divorce, custody, paternity, or family support read it carefully to find out if there is any information in it about custody. If there is information about custody, check Box a. You will find the date of the Order next to the Judge's signature. If there is no information about custody, check box b. Complete the attached Uniform Child Custody Jurisdiction Enforcement Act Affidavit.
- (D) Check this box only if you checked Box a in (C) above and then check the box that describes who has custody in your current order.
- (E) Describe in this space information about who the child/ren have been living with, the address where they live, and how long they have been living at that address.
- (F) Use this space to describe what has changed since the last custody order that requires a change in your custody order. You need to **explain in as much detail** as possible what has happened. Use a separate sheet of paper and print as neatly as you can.
- (G) Use this space to explain why you think it is in the best interests of the child(ren) for the court to order this request. Use a separate sheet of paper and print your explanation as neatly as you can.
- (H) Check this box if you and the other parent have an agreement regarding custody, parenting time, and support. If you check this box, use a separate sheet of paper to **explain in as much detail** as possible what you have agreed on. Print this information as neatly as you can.
- (I) Describe in this section what you want the court to order and **explain in as much detail** as possible what you want the court to order. Use a separate sheet of paper and print as neatly as you can.
- (J) Write in today's date and sign your name. Now file at the Wexford/Missaukee Friend of the Court office. See instructions for filing on the first page of this packet.
- (K) **AFTER YOUR MOTION IS FILED, THE FRIEND OF THE COURT WILL SCHEDULE A MEDIATION APPOINTMENT OR REFEREE HEARING. THE DATE AND TIME OF THE APPOINTMENT OR HEARING WILL BE FILLED IN THIS BOX.**

Once you have filed your **MOTION REGARDING CUSTODY** you may be scheduled to attend a hearing in front of a Referee. The following is information about attending that hearing.

1. 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, outlined in the Michigan Rules of Evidence.
2. Make a list of information you think is important for the Referee to know ahead of time. The information should relate to the reasons you are asking the Court to do something. You can use your list in the hearing as a reminder to bring up the points you think are important.
3. If you think you need to order someone, (a witness), to attend this hearing, follow the procedures in Michigan Court Rule 2.506, go to Michigan Legal Help, or consult with an attorney.
4. Come to the Friend of the Court or follow the Zoom instructions mailed with your Notice on the scheduled day and time. Dress neatly. Arrive there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring your list of information and any witnesses with you.
5. When you are called, take a seat at one of the tables in front of the bench. The Referee will review your motion and ask questions.
6. Answer the Referee's questions clearly and directly.
7. If the other parent is in court, he or she will have a chance to speak also. When the other parent talks, you may take notes, but do not interrupt the other parent. After the other parent speaks, you will have another chance to talk. Use your notes to keep track of what you want to say in response.
8. At any time during the hearing, you and the other parent may come to an agreement. If that happens, a written order of your agreement, called a "stipulation", will be prepared for both of you to sign while you are there. The "Stipulation" will be sent to the Judge to sign. After the Judge signs, a copy of the signed order will be mailed to you.
9. If no agreement is reached, the Referee will prepare a written Recommendation and Order. The Referee has 21 days to complete the Recommendation and Order. A copy will be mailed to you when complete.

**NOTE:** If the Referee prepares a Recommendation and Order and one or both of you do not agree with the Referee's decision, you may file an Objection to Referee's Recommended Order **within 21 days**. Follow the instructions included with the Objection and a hearing will be scheduled before the Judge.