

STATE OF MICHIGAN
28TH JUDICIAL CIRCUIT
COUNTY

MOTION REGARDING CHANGE OF
DOMICILE/LEGAL RESIDENCE

(A) CASE NO.

Court address
401 N. LAKE ST. CADILLAC, MI 49601

Court telephone no.
(231) 779-9494

(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. 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

A hearing will be held on this motion before _____ Judge/Referee _____ Bar no.

(G) on _____ at _____ at FOC OFFICE- 401 N. LAKE ST. CADILLAC, MI 49601
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. 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

MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE

Use this form if:

You have a Court case for divorce, custody, paternity, or family support and you want the court to grant permission to move over 100 miles from where you now live, or if you want the court to grant permission to move to another state.

FILING FEES

\$100 per motion

1. Complete required motion form all the way to the "NOTICE OF HEARING" section. See page 2 for additional instructions on how to complete the **MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE**.
2. The original 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 CHANGE OF DOMICILE/LEGAL RESIDENCE" and INFORMATION ABOUT ATTENDING A REFEREE HEARING

Items A through F 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) 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 it applies for you, 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 legal custody. If there is information in your order about legal custody, check the boxes that best describe the type of legal custody that you have. You will find the date of the Order next to the Judge's signature.
- (D) Explain why you think it is in the best interests of the child(ren) for the court to grant your request to move over 100 miles from where you live, or your request to move to another state. Be sure to name which child(ren) you are requesting this change for. Use a separate sheet of paper and print your explanation as neatly as you can.
- (E) Explain in as much detail as possible what you want the Court to order. If you need more space, use a separate sheet of paper. Print this information as neatly as you can.
- (F) Explain in as much detail as possible what you want the Court to order and check the box that best fits the sort of parenting time that you would like to request. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. When you have included all of the information, sign your name on the line titled "Moving party's signature" and write in today's date on the "Date" line. Now file at the Wexford/Missaukee Friend of the Court office. See instructions for filing on the first page of this packet.
- (G) **AFTER YOUR MOTION IS FILED, THE FRIEND OF THE COURT WILL SCHEDULE A REFEREE HEARING. THE DATE AND TIME OF THE HEARING WILL BE FILLED IN THIS BOX.**

Once you have filed your **MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE** you will 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.