

STATE OF MICHIGAN
28TH JUDICIAL CIRCUIT
COUNTY

MOTION REGARDING SUPPORT

(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. a. On _____ a judgment
Date
or order was entered regarding support.
 b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each month.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each month.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each month.

(G) 5. Conditions regarding support have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(H) 6. _____ and I have agreed to support as follows:
Name
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. I ask the court to order that support be paid as follows: See 6 above for details.
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 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 51.

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 the last-known addresses as defined in MCR 3.203.

(L) _____
Date Moving party's signature

MOTION REGARDING SUPPORT

Use this form if:

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

FILING FEES

\$60 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 SUPPORT**.
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?

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

NOTE: Regardless of the amount of support you ask for, the Court must use the **Michigan Child Support Formula** in deciding what support should be, unless the Court finds that using the formula would be unjust or inappropriate.

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

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)** 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 support. If there is information about support, check box a. You will find the date of the Order next to the Judge's signature. If there is no information about support, check box b.
- (D) Through (F)** Check these boxes only if you checked box a in (C) above. Read your Court papers for divorce, custody, paternity, or family support to find out who was ordered to pay support, child care and health care and how much per month is paid. Write this information here.
- (G)** Check this box only if you checked box a in (C) above and conditions have changed that require a change in support. 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.
- (H)** Check this box if you and the other party have an agreement to start support or make changes in the support. Explain in as much detail as possible what you have agreed on. If you need more space, use a separate sheet of paper. Print this information as neatly as you can.
- (I)** You need to explain in as much detail as possible what you want the Court to order. If you checked (H) above, check the box "Same as 6. above." Otherwise, write in the details. If you need more space, use a separate sheet of paper. Print this information 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 REFEREE HEARING. THE DATE AND TIME OF THE HEARING WILL BE FILLED IN THIS BOX.**

Once you have filed your **MOTION REGARDING SUPPORT** 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.