

**Osceola County Friend the Court
301 West Upton Ave
P.O. Box 135
Reed City, MI 49677
(231) 832-6131**

MOTION REGARDING CUSTODY – FOC 87

USE THIS FORM IF:

- ◆ You are a party of a case and a custody order has been established through a judgment of custody, divorce, separate maintenance, or paternity, and request the order be modified.

****YOU MAY NOT USE THIS FORM TO START A CUSTODY CASE OR IF YOU ARE A THIRD PARTY AND WANT TO INTERVENE TO GET CUSTODY OF THE MINOR CHILD(REN) IN A PENDING CASE.****

By using this form, you are representing yourself in a court action regarding custody.

INSTRUCTIONS:

- A.** Before you fill in the Case No., get your court papers for custody, divorce, separate maintenance 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 both 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. If you checked box a, fill in the date that the judge signed the Order.
- D.** Check this box only if you checked box 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 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 **3 copies** of this sheet to attach to **3 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(ren). 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 **3 copies** of this sheet to attach to **3 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 **3 copies** of this sheet to attach to **3 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 H. 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 **3 copies** of this sheet to attach to **3 copies** of this form).
- J. Write in today's date and sign your name.
- K. To obtain a hearing date you will first need to go to the County Clerk's Office and pay the \$20 filing fee and \$80 order entry fee, **total of \$100**. With your receipt and copies of the Motion go to the Friend of the Court Office to get a hearing date.
- L. On the date that you file this Motion, complete the certificate of mailing on all of you copies. **File the original** with the **County Clerk**, a copy with the Friend of the Court Office, mail a copy to the other party along with the Response Form, and keep a copy for yourself.

This Motion, including Notice of Hearing, must be served at least 9 days (not including holidays) before the hearing date. They may be served by regular, first class mail.

You must attend this hearing. Since you are representing yourself, you are expected to follow the same general rules as an attorney would. It is your responsibility to back up your petition with facts as to why this would be in the best interest of the child(ren). Bring all supporting documents, evidence and witnesses with you.

The Friend of the Court Office will not represent you or the other party. Check in at the Friend of the Court office on the scheduled day and time, 10 to 15 minutes early. Dress neatly. Be prepared to spend most of the morning or afternoon in court. If you feel you need to subpoena someone to attend this hearing follow the procedure in Michigan Court Rule 2.506 or consult an attorney.

After the hearing, the Friend of the Court Referee will make a Recommendation. If no Objection is filed within **21 days** of the proof of mailing, the Recommendation will become an Order of the court.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING CUSTODY

(A) CASE NO.

Friend of the Court address

Telephone no.

(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 custody.
 b. There is currently no order regarding custody.

(D) 2. The plaintiff defendant third party was ordered to have custody of the following child(ren):

(E) 3. The child(ren) have been living with _____ at _____
Name(s)
_____ since _____
Complete address Date

(F) 4. Circumstances have changed as follows that require custody or a change in custody:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(G) 5. Proper cause exists as follows that require custody or a change in custody: Use a separate sheet to explain in detail which factors of the Child Custody Act for determining best interests of the child(ren) are affected by the circumstances in 4. above. Include all necessary facts.

(H) 6. _____ and I agree to custody, support, and parenting time 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 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.

I declare that the above statements are true to the best of my information, knowledge, and belief.

(J) _____
Date Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Name of judge or referee

(K) on _____ at _____ at _____
Date Time Place

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 mailed a copy of this motion and notice of hearing on the other party(ies) by ordinary mail at the above address(es).

(L) _____
Date Moving party's signature

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING CUSTODY

(A)

CASE NO.

(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

4. Continued from page 1.

5. Continued from page 1.

6. Continued from page 1.

7. Continued from page 1.