

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

**MOTION REGARDING DOMICILE – GRP 5**

- ◆ By using this form, you are representing yourself in a court action.

**MOTION MUST BE COMPLETELY FILLED OUT. TYPE OR PRINT NEATLY.**

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.

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

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 \$100**. With your receipt and copies of the Motion go to the Friend of the Court Office to get a hearing date.

On the date that you file this Motion, complete the certificate of mailing on all of your 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. 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.

49<sup>th</sup> JUDICIAL CIRCUIT - FAMILY DIVISION  
Osceola COUNTY

MOTION REGARDING DOMICILE

CASE NO.

Court address  
301 W. Upton Ave. Reed City, MI 49677

Court telephone n  
231-832-6131

Plaintiff's name, address and telephone no.  moving party

Third party's name, address and telephone no.  moving party

V

Defendant's name, address and telephone no.  moving party

1. On \_\_\_\_\_ a judgment or order was entered establishing domicile of the following children in Michigan:

Names: \_\_\_\_\_

2. The  plaintiff  defendant  third party: \_\_\_\_\_ was given custody of these children, who have been living with \_\_\_\_\_ at \_\_\_\_\_ since \_\_\_\_\_

3. Circumstances have changed as follows that require changing the domicile of the children outside Michigan:  
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

4. Proper cause exists as follows that requires change of domicile:  
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

5. \_\_\_\_\_ and I agree to change of domicile and parenting time as follows:  
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

6. I ask the court to order change of domicile and parenting time as follows:  
Explain what you want the court to order. If you need more space, attach a separate sheet.

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

Date \_\_\_\_\_

Moving party's signature \_\_\_\_\_

**NOTICE OF HEARING**

A hearing will be held on this motion before Friend of the Court Referee - David Oostdyk

Name of judge or referee  
301 West Upton, Reed City, Michigan

on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_

Date

Time

Place

NOTE: If you are the person receiving this motion, you may file a response.

If you require special accommodations to use the court because of a disability, please contact the court immediately to make arrangements.

**CERTIFICATE OF MAILING**

I certify that on this date I mailed a copy of this motion to the other party(ies) by ordinary mail at the above address(es).

Date \_\_\_\_\_

Moving party's signature \_\_\_\_\_

## **CHANGE OF DOMICILE FACTORS**

The specific factors a court must consider in determining whether or not to grant a change of domicile are the following:

1. Whether the prospective move has the capacity to improve the quality of life of the both the custodial parent and the child(ren);
2. Whether the move is inspired by the custodial parent's desire to defeat or frustrate parenting time by the non-custodial parent, and whether the custodial parent is likely to comply with the substituted parenting time orders where he/she is no longer subject to the jurisdiction of the court of this state;
3. The extent to which the non-custodial parent who resists the move is motivated by the desire to secure a financial advantage in respect of a continuing support obligation; and
4. The degree to which the court is satisfied that there will be a realistic opportunity for the parenting time in lieu of the weekly pattern which can provide an adequate basis for preservation and fostering of the parental relationship with the non-custodial parent if removal is allowed.