

Form FOC 87

MOTION REGARDING CUSTODY

Use this form if:

- you have a pending case for custody, divorce, separate maintenance, family support or paternity;
or
- you are a party who has a custody order through a judgment of custody, divorce, separate maintenance, or family support order, or an order of filiation.

You cannot use this form:

- to start a custody case; or
- if you are a third party and want to intervene to get custody of the child(ren) in a pending case for custody, divorce, separate maintenance, family support, or paternity; or
- to change domicile of the child(ren) to another state or more than 100 miles away. If you want to change custody and domicile, you must use this form and form FOC 115, Motion to Change Domicile.

MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Complete and attach MC 416, Uniform Child Custody Jurisdiction Enforcement Act Affidavit? YES
3. Make all necessary copies? YES
4. Pay the fees to the clerk? YES
5. Mail (serve) a copy of the motion and MC 416 on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? YES
6. Return to the clerk's office after you mailed the motion and notice of hearing and MC 416 to the other party and completed the certificate of mailing? YES
7. Keep one copy of the motion and notice of hearing and MC 416 forms for yourself? YES
8. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, a hearing on your motion may be delayed or your motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding custody. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the custody you want.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

**INSTRUCTIONS FOR USING FORM FOC 87
FILING A MOTION AND SERVING A MOTION**

»» FILING A MOTION

1. Fill out the Motion form.

Use the instructions on page 6. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the friend of the court office to find out whom to contact about getting a hearing date. Then contact the person or office as directed by the friend of the court office. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge or referee who will be hearing the motion.

Make at least five copies of the form after you have filled it out.

2. Fill out MC 416, Uniform Child Custody Jurisdiction Enforcement Act Affidavit.

3. File the Motion form and MC 416 with the county clerk.

Take the original and five copies of the form and MC 416 to the county clerk in the county where your case is located.

You must pay a \$100.00 fee at the time of filing. If you can't afford to pay the fees, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (form MC 20 not included in this packet) to fill out.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the motion, MC 416 and any attachments for the court file and the friend of the court. Then the clerk will return four copies and remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One copy of FOC 87 and MC 416 (with any attachments) - for you
- One copy of FOC 87 and MC 416 (with any attachments) - for the other party
- One copy of FOC 87 - for proof of service to the court
- One copy of FOC 87 - for proof of service to the friend of the court

»» SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the Motion, MC 416 and Notice of Hearing on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the motion and hearing date at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 87 and MC 416 (with any attachments) - for the other party

Two copies of FOC 87 - for proof of service

Any additional copies of FOC 87 and MC 416 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail one copy with attachments and MC 416 to the other party. If there is a custodian or guardian, mail one copy with attachments and MC 416 to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy of the forms and attachments for your own records.

2. Return to the county clerk.

Once you have mailed the motion and notice of hearing and MC 416 and filled out the Certificate of Mailing on the remaining three copies of FOC 87, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Response from other party.

If you receive a response to your motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

4. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the original and five copies of the Order Regarding Custody (form FOC 89) and, as needed, the Uniform Child Support Order (form FOC 10/52) with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.

5. If you are responsible for preparing the order, bring all copies of your order form.
6. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
7. When your case is called, be prepared to state:
 - 1) your name.
 - 2) that you are representing yourself.
 - 3) that you need a custody order or a change in a custody order.
 - 4) the facts or reasons for your request (bring papers such as reports that support your facts or reasons including income information such as pay stubs, W-2 forms, income tax forms, etc.).
 - 5) why you believe this order would be in the best interests of the child(ren).
 - 6) whether you have witnesses in court who are willing to testify.

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

8. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
9. After the judge or referee makes a decision, follow the instructions on the packet for FOC 89, "Order Regarding Custody and Parenting Time." As needed, follow the instructions for the packet for FOC 10/52, "Uniform Child Support Order," to complete that part of the order. You are responsible for preparing the order even if you do not get what you are asking for.

NOTE: If your hearing is held before a referee and you do not agree with the referee's decision, you have 21 days from the date of mailing of the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet FOC 68, "Objection to Referee's Recommended Order."

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING CUSTODY"

Please print neatly. After filling in the form, you will need to make at least five copies of the form.

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

A Before you fill in the Case No., get your court papers for custody, divorce, separate maintenance, family support 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 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 judgment or order for custody, divorce, separate maintenance, family support, 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.

D Check this box only if you checked box a. in **C** above. Read your court papers for custody, divorce, separate maintenance, family support, 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 four copies of this sheet to attach to four 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. 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 four copies of this sheet to attach to four 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 four copies of this sheet to attach to four 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 7. 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 four copies of this sheet to attach to four copies of this form.

J Write in today's date and sign your name. Now contact the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.

K Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing this motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

- Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you. Read page 3 of this booklet for details on mailing this form to the other party.

L On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.

- Return to the county clerk with two copies. See page 4 of this booklet for details.

You must read this booklet for directions on the legal process.

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

MOTION REGARDING CUSTODY

(A)

CASE NO.

Court address

Court 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.

2. Attached is a completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC 416).

- (D) 3. The plaintiff defendant third party was ordered to have custody of the following child(ren):

- (E) 4. The child(ren) have been living with _____ at
Name(s) _____ since _____
Complete address _____ Date _____

- (F) 5. Proper cause exists or circumstances have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

- (G) 6. It is in the best interests of the child(ren) to establish or change custody for the following reasons:
Use a separate sheet to explain in detail which best interest factors under the Child Custody Act support this motion and attach. Include all necessary facts.

- (H) 7. _____ 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) 8. 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.

- (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 _____
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.

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 served a copy of this motion, a Uniform Child Custody Jurisdiction Enforcement Act Affidavit and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

- (L) _____
Date Moving party's signature

Approved, SCAO

Original - Court
1st copy - FOC (if applicable)
2nd copy - Defendant/Respondent
3rd copy - Plaintiff/Petitioner

STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT Cheboygan COUNTY	UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT	CASE NO.
-----------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------	-----------------

Court address 870 S. Main, PO Box 70, Cheboygan, MI 49721	Court telephone no. (231) 627-8818
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CASE NAME:

1. The name and present address of each child (under 18) in this case is:

2. The addresses where the child(ren) has/have lived within the last 5 years are:

3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are :

4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child (ren), in this state or any other state, **except:** Specify case name and number, court name and address, and date of child custody determination, if one.

5. I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except:** Specify case name and number, court name and address, and nature of the proceeding.

 That proceeding is continuing. has been stayed by the court.
 Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation.

6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except:** State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is Michigan . See back for definition of "home state."

8. I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

Signature of affiant	Name of affiant (type or print)	Address of affiant
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Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____

Notary public, State of Michigan, County of _____

"Home state" means the state in which the child(ren) lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with a parent or person acting as a parent. A period of temporary absence of a parent or person acting as a parent is included as part of the period.

**Form FOC 10/52
and Form FOC 89**

**UNIFORM CHILD SUPPORT ORDER
AND ORDER REGARDING
CUSTODY AND PARENTING TIME**

Use this form if:

- you had a hearing on your Motion Regarding Custody (form FOC 87) and both you and the other party (and a third party) agree to sign the order without another hearing; or
- you had a hearing on your Motion Regarding Custody (form FOC 87) and the other party (and a third party) will not sign the order; or
- you and the other party (and a third party) have agreed on the custody, parenting time, and support and want the court to sign your proposed order without having to file a motion and attend a hearing on the motion.

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies? YES
3. Get the judge's signature? (NOTE: See pages 3-5 for details) YES
4. Return to the clerk's office with all copies of the signed order? YES
5. Make sure the clerk stamps all copies of the signed order? YES
6. Keep one copy of the signed order for yourself? YES
7. Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? YES
8. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding custody, parenting time, and support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the custody you want. **NOTE:** Regardless of the custody you ask for, the court is required to use the Child Custody Act in deciding what custody should be. If you filed the motion form FOC 87, you are responsible for preparing the order even if it is not what you asked for.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

What instructions are in this packet:

Pages 3 and 4 - Instructions for getting a stipulated (mutually agreed upon) order signed.

Pages 5 - Instructions for getting an order signed after a hearing.

INSTRUCTIONS FOR GETTING A STIPULATED (MUTUALLY AGREED UPON) ORDER SIGNED (when both parties have signed the order without a hearing)

»» SIGNING AND FILING OF ORDER

NOTE: A hearing on a stipulated order is not necessary unless the judge requests it.

1. Fill out the order form.

Use the instructions on page 6. Be careful not to make mistakes.

Make at least five copies of the form after you have filled it out.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by the friend of the court. Then complete either step a or b below.

a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, contact the office to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.

b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order to the judge and get signed copies.

Since the other party or third party has signed the order, contact the clerk of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask how to get at least four copies of the order after it is signed by the judge.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) one copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 10/52 and 89 - for the other party

Two copies of FOC 10/52 and 89 - for proof of service

Any additional copies of FOC 10/52 and 89 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy to the other party. If there is a custodian or guardian, mail one copy to that person. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the order and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The clerk will deliver one copy to the friend of the court.

INSTRUCTIONS FOR GETTING THE ORDER SIGNED AFTER A HEARING

»» SIGNING AND FILING OF AN ORDER

1. Fill out the order form.

Normally you will fill out the order at the hearing on the motion. Use the instructions on page 6. Be careful not to make mistakes.

Make copies of the form based on the instructions on either page 3 of this booklet or in booklets for forms FOC 53 or FOC 54 depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by the friend of the court. Then complete either step a or b below.

a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, contact the office to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.

b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order signed by the judge.

After you have filled out the order, you must have it signed by the judge. **If both you and the other party sign the order to show you both approve the order, then go to pages 3 and 4 of this booklet for further instructions on getting the order signed by the judge.** Otherwise you must do either of the following:

a. Schedule and attend a hearing to get the order signed.

(Use the packet for form FOC 53, Notice of Hearing to Enter Order.)

b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.

(Use the packet for form FOC 54, Notice to Enter Order without Hearing.)

**INSTRUCTIONS FOR COMPLETING "ORDER REGARDING CUSTODY AND PARENTING TIME"
AND "UNIFORM CHILD SUPPORT ORDER"**

Please print neatly. After filling in the form, you will need to make copies. Items A through E and form FOC 10/52 must be completed before the order can be given to the judge for signature. Please read the instructions for each item. Then fill in the correct information for that item on the form.

- (A)** Before you fill in the Case No., get your copy of the Motion (form FOC 87) or your court papers for custody, divorce, annulment, separate maintenance, family support, or paternity. Copy the Case No. from that paper 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 all pages of 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 order form.
- (C)** Fill in this information only if there was a hearing on a Motion Regarding Custody.
- (D)** If you filed a Motion Regarding Custody (form FOC 87) and the other party will not sign the order, a hearing to enter the order is required. Check the box "after hearing."

If you filed a Motion Regarding Custody (form FOC 87) and the other party will sign the order without a hearing to enter the order, check the box "on consent of the parties."

If you and the other party are filling out this order based on an agreement between both of you and you are not filing a motion with the court, check the box "on consent/stipulation of the parties." Even if you have checked this box, the court may still require a hearing. If a hearing is required, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

- (E)** Check the box for item 2 only if you filed a Motion Regarding Custody (form FOC 87). Check the box for item 3 only if the other party filed a Response to Motion Regarding Custody (form FOC 88). Use the following instructions for items 4 through 16.

Check only those boxes that say what the judge or referee ordered at the hearing on the motion. Then write in the blank spaces provided what the judge or referee ordered at the hearing. This information must state as closely as possible the exact words of the judge or referee. Use the notes you took at the hearing when filling out this part of the order form.

If you did not check item 2, you and the other party are stipulating to the order. This means that you both have agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must write in as much detail as possible exactly what you agree on. Make sure you include everything you agreed on. Anything that you do not write down on this form will not be ordered even if you and the other party had agreed on it. If the parties agreed to parenting time in a foreign country/nation that is not a party to the Hague Convention, check item 16, then write the names of the parent and the foreign country/nation.

Complete FOC 10/52 using the instructions for that form. Note that the most recent support order supersedes all prior orders regarding support and that all continuing support provisions must be restated in the most recent order.

If you filed a motion (form FOC 87) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign the order. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order. If you and the other party are stipulating to the order, you both must sign the order.

Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, contact the friend of the court office. If it is required, see either page 3 or 5 of this booklet for directions on getting the friend of the court's approval. To find out how to get the order signed, contact the friend of the court office for instructions. See either page 3 or 5 of this booklet for details. On the date you serve a copy on the other party, write in the date and sign your name on the remaining three copies.

Return to the county clerk with two copies.

You must read this booklet and other booklets dealing with orders for directions on the legal process.

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

ORDER REGARDING CUSTODY AND
PARENTING TIME

(A) CASE NO.

Court address

Court telephone no.

(B)

Plaintiff's name, address, and telephone no.

Defendant's name, address, and telephone no.

v

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

(C)

Date: _____

Judge: _____

Bar no.

(D)

1. This order is entered after hearing.
 on consent/stipulation of the parties.
 after friend of the court alternative dispute resolution.

(E)

THE COURT FINDS:

2. A motion requesting custody, parenting time, and support or a change to custody, parenting time, and support was filed.
3. A response to the motion was filed.
4. A change of circumstances does does not exist that warrants a custody order or a change in custody.
5. Proper cause does does not exist that warrants a custody order or a change in custody.
6. It is is not in the best interests of the child(ren) to establish change parenting time.
7. A material change of circumstances exists that warrants a change in the support order.
8. The parties met through the friend of the court alternative dispute resolution process. During the course of the alternative dispute resolution process the parties reached the agreement set forth in this order.
9. It is in the best interests of the child(ren) to dismiss the motion.

IT IS ORDERED:

10. The motion regarding custody, parenting time, and support is dismissed. The prior order remains in effect.

11. Custody is granted as follows:

Name(s) of child(ren): _____

Joint legal to plaintiff. defendant. third party.

Unless otherwise agreed, a parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with MCL 722.31.

Joint physical to plaintiff. defendant. third party.

Sole legal to plaintiff. defendant. third party.

Sole physical to plaintiff. defendant. third party.

12. Parenting time is established. changed as follows:

Explain in detail what the court has ordered.

(See page 2 for the remainder of the order.)

13. The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. Each parent will endeavor to guide a child so as to promote the affectionate relationship between a child and the other parent. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary, or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the other from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.

14. The parent with primary physical custody shall notify the friend of the court in writing whenever the address of a minor child changes. The domicile of the minor child may not be moved from the State of Michigan without prior approval of the court.

15. The Uniform Child Support Order is incorporated by reference (form FOC 10/52).

16. Except as provided in item 17, neither parent shall exercise parenting time in a foreign country/nation that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

17. Based on written agreement of the parties, _____ may exercise parenting time in _____, which is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

Plaintiff (if consent/stipulation) Date

Defendant (if consent/stipulation) Date

Plaintiff's attorney Date

Defendant's attorney Date

Prepared by: _____
Name (type or print)

Date

Judge

CERTIFICATE OF MAILING

I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Signature

COURT USE ONLY

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO. and JUDGE
----------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------

Court address _____ Court telephone no. _____

Plaintiff's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

- This order is entered after hearing. after statutory review. on stipulation/consent of the parties.
- The friend of the court recommends child support be ordered as follows.
- If you disagree with this recommendation, you must file a written objection with _____ on or before **21 days** from the date this order is mailed. If you do not object, this proposed order will be presented to the court for entry.
- Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

IT IS ORDERED, unless otherwise ordered in item 11 or 12:
 Standard provisions have been modified (see item 11 or 12).

1. The children who are supported under this order and the payer and payee are:

Payer:	Payee:
Children's names and annual overnights with payer:	
Children's names	Overnights

Effective _____, the payer shall pay a monthly child support obligation for the children named above.

1. Item 1 (continued).

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Premium adjust:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Subtotal:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Ordinary medical:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Child care:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Other:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Benefit credit:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$
Total:	\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$

Support was reduced because payer's income was reduced.

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____ % by the plaintiff and _____ % by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____.

Obligation Ends. Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18.

Post-majority Support: The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age:
(Specify name of child and date obligation ends.)

Child Care. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses. The child-care obligation for each child ends on August 31 following the child's 12th birthday, at which time the total child care obligation reduces by that child's pro rata share unless specified differently in this order.

2. **Health-Care Coverage.** For the benefit of the children, the plaintiff defendant shall maintain health-care coverage (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is accessible to the child and available at a reasonable cost. The reasonable cost is the parent's net cost of adding the children to the parent's coverage
 up to a maximum of \$ _____ for plaintiff. up to a maximum of \$ _____ for defendant.
 not to exceed 6% of the plaintiff's/defendant's gross income.

3. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 12.

4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.

5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.

- 6. Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or driver's licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
- 7. Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Michigan Department of Health and Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.
- 8. Redirection and Abatement.** Subject to statutory procedures, the friend of the court: 1) may redirect support paid for a child to the person who is providing the actual care, support, and maintenance of that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
- 9. Fees.** The payer of support shall pay statutory and service fees as required by law.
- 10. Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.
- 11. Michigan Child Support Formula Deviation.** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.
- 12. Other:** (Attach separate sheets as needed.)
- 13. Prior Orders.** This order supersedes all prior child support orders and all continuing provisions are restated in this order. Past-due amounts owed under any prior support order in this case are preserved and paid at the rate calculated using the arrearage guideline in the Michigan Child Support Formula.

Judge signature and date

_____ Plaintiff (if consent/stipulation)	_____ Date	_____ Defendant (if consent/stipulation)	_____ Date
_____ Plaintiff's attorney	_____ Date	_____ Defendant's attorney	_____ Date

Prepared by: _____
Name (type or print)

CERTIFICATE OF MAILING

I served a copy of this uniform child support order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 3.203. I also served the Deviation Addendum (FOC 10d) with this order. I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Signature

Form FOC 53

NOTICE OF HEARING TO ENTER ORDER

Use this form if:

- a hearing is required to get an order regarding support, parenting time, or custody signed, or
- you want a hearing to get an order regarding support, parenting time, or custody signed.

NOTICE OF HEARING TO ENTER ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies? YES
3. File the notice of hearing form with the clerk's office? YES
4. Mail (serve) a copy of the notice on the other party and on any other custodian/guardian? (**Note:** the other party must receive the notice of hearing at least 9 days before the hearing.) YES
5. Return to the clerk's office **after** you mailed the notice to the other party and completed the certificate of mailing? YES
6. Keep one copy of the notice for yourself? YES
7. Give two copies of the completed form to the clerk of the court? YES

You must attend the hearing on the notice to enter order.

After the hearing, DID YOU . . .

1. Return to the clerk's office with all copies of the signed order? YES
2. Mail (serve) a copy of the signed order on the other party and on any other custodian/guardian? YES
3. Return to the clerk's office **after** you mailed the signed order to the other party and completed the certificate of mailing? YES
4. Keep one copy of the signed order for yourself? YES
5. Give two copies of the completed order to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, your order may not be signed by the judge or you may not have a valid order.

If you have any questions about any step in the process, refer to pages 3 through 5 of this booklet for details.

**INSTRUCTIONS FOR USING FORM FOC 53
SCHEDULING A HEARING TO GET THE ORDER ENTERED**

»» SCHEDULING A HEARING

1. Fill out the Notice of Hearing form.

To schedule a hearing, contact the person or office that the friend of the court told you about. Then fill out the form using the instructions on page 6 and the information you got about the hearing date, location of hearing, and name of the judge who will be signing the order. Be careful not to make mistakes.

Make at least five copies of this Notice of Hearing form after you have filled it out.

2. Prepare the "proposed" order.

Make four copies of the completed order form FOC 52, 67, or 89 and write "Proposed Order" on the top of all four of these copies. Attach one copy each of the proposed order to four of the copies of the "notice."

3. File the Notice of Hearing form with the county clerk.

Take the original and all five copies of this form (FOC 53) with the attached copies of the proposed order to the county clerk in the county where your case is located.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the notice of hearing and the proposed order for the court file and the friend of the court. Then the clerk will return four copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One Copy of FOC 53 (with copy of proposed order) - for the other party
- One Copy of FOC 53 (with copy of proposed order) - for you
- One Copy of FOC 53 - for proof of service to the court
- One Copy of FOC 53 - for proof of service to the friend of the court

»» SERVING THE NOTICE OF HEARING ON THE OTHER PARTY OR PARTIES

1. Serve notice of hearing.

The other party must be served with (notified of) the notice of hearing at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One Copy of FOC 53 (with copy of proposed order) - for the other party

Two Copies of FOC 53 - for proof of service

Any additional copies of FOC 53 - (with copy of proposed order) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy with the proposed order to the other party. If there is a custodian or guardian, mail one copy and the proposed order to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the notice and copy of the proposed order and filled out the Certificate of Mailing, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

4. Attend the Hearing.

You must attend the hearing to get the order signed. Make five copies of your original completed order form.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the original and five copies of the completed order form. These copies should not say "proposed" on them but should be the same as the proposed order you filed with the court. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your motion or response to the motion. You can use this list as a reminder to bring up the points you think are important.
3. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
4. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any other hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
5. When your case is called, take the original and five copies of the order to the judge to sign, and then be prepared to state:

- 1) your name.
- 2) that you are representing yourself.
- 3) that you want an order signed.
- 4) whether you have witnesses in court who are willing to testify.

Answer the judge's questions clearly and directly. If the judge wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

6. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
7. If the judge says that the order is granted, follow the rest of these instructions. If any changes need to be made to the order, make them at the hearing and then present them to the judge to sign.

»» **SERVING THE ORDER ON THE OTHER PARTY OR PARTIES**

1. Return to the county clerk.

Once you have the signed order, return to the county clerk's office with the original and five copies. The clerk will stamp the order, keep the original and one copy and return the other four copies to you. The county clerk will deliver one copy to the friend of the court.

2. Serve the signed order on the other party.

The other party must be served with (notified of) one copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

- One Copy of FOC 52, 67, or 89 - for the other party
- Two Copies of FOC 52, 67, or 89 - for proof of service
- Any additional copy of FOC 52, 67, or 89 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy to the other party. If there is a custodian or guardian, mail one copy to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

3. Return to the county clerk.

After you have mailed the order and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The clerk will deliver one copy to the friend of the court.

INSTRUCTIONS FOR COMPLETING "NOTICE OF HEARING TO ENTER ORDER"

Please print neatly. After filling in the form, you will need to make at least five copies.

Items A through E must be completed before your notice 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 Before you fill in the Case No., get your copy of the motion regarding support, parenting time, or custody and copy the Case No. from that paper onto this form.

B Also use the motion to fill in the "Plaintiff" and "Defendant" boxes and, if applicable, the "Third Party" box. Copy the names from the motion 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 response 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 Fill in the date the hearing was held on your motion.

D Fill in the full name of the judge or referee who will be signing the order, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

E Write in today's date and sign your name.

Now go to the county clerk's office with the original and five copies of this form. The clerk will keep the original and one copy and return four copies to you.

Read page 3 of this booklet for details on mailing this form to the other party.

F On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies. Read page 3 of this booklet for details.

You must read this booklet for directions on the legal process.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	NOTICE OF HEARING TO ENTER ORDER	(A) CASE NO.
----------------------------------------------------------	-----------------------------------------	---------------------

Court address _____ Court telephone no. _____

(B) Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party Third party's name, address, and telephone no. <input type="checkbox"/> moving party	v	Defendant's name, address, and telephone no. <input type="checkbox"/> moving party
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---	------------------------------------------------------------------------------------

(C) 1. On _____ a hearing was held on a motion regarding _____
Date Type of order
 and a decision was made.

2. The attached proposed order states what the judge or referee said at the hearing.

(D) 3. This is your notice that a hearing will be held before _____ on
Name of judge or referee Bar no.
 _____ at _____ at _____
Date Time Location

to have the proposed order signed. If you do not think that the order accurately states what was ordered in court, attend the scheduled hearing.

4. Parties may be represented by their attorneys in this matter.

(E) _____
Date Signature of moving party

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).

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice of hearing and proposed order on the other party(ies) or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(F) _____
Date Signature of moving party