



THIRD JUDICIAL CIRCUIT COURT
FRIEND OF THE COURT

MOTION TO CHANGE CUSTODY

USE THIS SET OF FORMS IF:

- You still have at least one child on this case that is under 18 years old
- You want to change physical custody of the child(ren) in your case [where the child(ren) live most of the time]
- You want to change legal custody of the child(ren) in your case (i.e. having the legal right to take part in making major life decisions about the child(ren)).

Please be advised that your motion will be denied if you do not provide proof of proper cause or a change of circumstances which has occurred since the entry of your last Custody Order.

This Motion must be filed and scheduled in the Coleman A. Young Municipal Center (CAYMC) building at Two Woodward Avenue, Detroit, MI 48226. It will cost you \$100.00 to file this motion. The County Clerk's Office accepts cash; debit cards; MasterCard, American Express, and Discover credit cards; and, money orders made payable to the **Wayne County Clerk**.

*If you cannot afford the filing fee, you can ask the Chief Judge for an Order waiving the filing fee. Fee Waiver forms can be obtained from **Room 201 (CAYMC 2nd floor)**. You can **ONLY** do this in person and you must have a State-issued photo ID card and proof of your income and/or public assistance. If the Chief Judge waives your filing fee the waiver is only good the same day as it is signed. You must file your motion that same day.*

INSTRUCTIONS:

1. Fill out pages 1 through 4. **Use BLACK OR BLUE INK ONLY**
2. Write your Case Number in the upper right corner of every page.
3. **Attach a complete copy of your most recent child custody, parenting time and support order(s) to your forms.** You might have one Order or Judgment that talks about all three issues, or you may have more than one Order.
4. Fill out the Worksheet for Request of Change of Custody in this packet and attach it to your forms.
5. Leave the forms in numerical order. Make 3 sets of copies of pages 1 through 4 and all of your attachments before you bring them to Court to file them.

6. Bring all the original forms plus the 3 sets of copies to file.
7. Always keep a copy of every paper you file with the Court and bring them to the hearing.
8. To get a Court date, you need to file the motion properly with the Court.

IF YOU ARE FILING IN PERSON:

1. Take your original set of motion forms, your copies, and your money to pay the filing fee with you to CAYMC.
2. Take your original set of motion forms, your copies, and your filing fees (or signed Order waiving filing fees) to the Wayne County Clerk in **Room 201 (CAYMC 2nd floor)**.
3. Put case labels (stickers) in the upper right corner of all original documents and only on pages 1 and 2 of each of your copies. Case labels are free and available in **Room 201**.
4. If you have a Chief Judge Order waiving your filing fees, give it the Clerk.
5. The Clerk will keep the original forms and have you pay at the Cashier counter.
6. The Clerk will give back to you the "Motion Praeipice" form with a red stamp on it. This proves that you filed the Motion with the Clerk's office.
7. Take that stamped "Motion Praeipice" form and your copies to: the FOC Scheduling Office in **Room 900A (CAYMC 9th floor, down the hall from the Clerk's office)**.
8. At the window of **Room 900A**, an FOC representative will take all of your paperwork and give you a hearing date.
9. **Go to your hearing with all documents that prove the request in your motion.** If you do not show up, or if you show up late, your motion will be dismissed.

IF YOU ARE FILING BY MAIL:

1. Write your Case Number in the upper right corner of every page.
2. Mail your original forms, 3 sets of copies and a money order for the filing fees to: **Wayne County Clerk, Room 201, Coleman A. Young Municipal Center, Detroit, MI 48226**.
3. Keep copies of everything you mail to the Court.
4. Include a Self-Addressed Stamped Envelope and a letter asking the County Clerk to mail you a receipt and a copy of your motion stamped "filed."
5. You will receive your hearing date by mail.

QUESTIONS?

Call the Wayne County Friend of the Court at (313) 224-5300 or email FOC-Help@3rdcc.org. Employees of the Friend of the Court and the Wayne County Circuit Court cannot give you legal advice or help prepare documents. General Court Information can be found on the website: www.3rdcc.org.

Failure to complete all of the above steps may result in delay or dismissal of your motion.

The Court is required by law to use the Michigan Child Support Formula to set the child support amount, unless the Court finds that application of the formula would be unjust or inappropriate.

CERTIFICATION

 Plaintiff

 Street and No. City/State/Zip

Telephone No: _____

Employer: _____

Address: _____

v

 Defendant

 Street and No. City/State/Zip

Telephone No: _____

Employer: _____

Address: _____

I certify that the attached pleadings are in compliance with MCR. 2.114.

(Signature): _____
 Attorney for Petitioner

Date: _____ 20__

One of the parties is incarcerated, MCR 2.004

I HEREBY CERTIFY that I have made personal contact with _____ on _____, 20__, requesting concurrence in the relief sought with this motion and that concurrence has been denied or that I have made reasonable and diligent attempts to contact counsel requesting concurrence in the relief sought with this motion. LCR 2.119(B)

 Signature of filing party/attorney

TO: OFFICE OF FRIEND OF THE COURT, 645 GRISWOLD, DETROIT, MICHIGAN 48226

This motion involves: Child Support, Parenting Time, Custody (Please check all boxes that apply).

Please place a Motion for (state Motion title) _____.

on Domestic Relations Motion Calendar for _____ at _____.

This action has been assigned to JUDGE _____ or REFEREE _____.

Where to be heard _____.

NOTICE TO ATTORNEYS:

The notice of hearing on MISCELLANEOUS motions and attorneys' orders to show cause must give the time, date and place of hearing.

Attach a copy of the motion to the Praecipe. A proof of service of the motion and notice of the hearing must be available at the time of hearing.

Judgment/Order Fee Notice: At the time of filing, in addition to the \$20 motion filing fee, a judgment/order fee of \$40 must be paid on child support motions and a judgment/ order fee of \$80 must be paid on custody or parenting time motions. The judgment/ order fee will be refunded to the payer if the motion is dismissed.

Adjourned to: _____
 Adjourned to: _____

Atty. For Petitioner: _____
 Address: _____
 Telephone No.: _____
 FAX No.: _____
 Email Address: _____
 Atty. For Opposite Party: _____
 Address: _____
 Telephone No.: _____
 FAX No.: _____
 Disposition: _____

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	MOTION TO CHANGE CUSTODY	CASE NO.
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Please print or type information

Plaintiff's name, address, telephone no., and email address Attorney name, address, telephone no., and email address <input type="checkbox"/> This party is incarcerated and a telephone hearing is required Prisoner ID# _____ Dept. of Corrections' Prison Name _____	Defendant's name, address telephone no., and email address Attorney name, address, telephone no., and email address <input type="checkbox"/> This party is incarcerated and a telephone hearing is required Prisoner ID# _____ Dept. of Corrections' Prison Name _____
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1. A Judgment of Divorce or an Order was entered in this case providing for custody of the following child(ren) **(You must attach a copy of the Judgment or Order establishing custody.)**

Child(ren) name and date of birth:

Who does child(ren) currently live with and since when:

2. Custody should be changed because there is proper cause or a change of circumstances. (Attach Required Worksheets and additional sheets if necessary.)

3. I am requesting the court to change custody as follows, and I ask that the court order parenting time to the other party as follows: (Attach additional sheets if necessary.)

JOINT LEGAL

JOINT PHYSICAL

SOLE LEGAL

Sole Physical

Mother

Mother

Mother

Mother

Father

Father

Father

Father

PARENTING TIME:

We have agreed to custody and parenting time as stated in #3 above.

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

 Signature of Plaintiff / Date

 Signature of Defendant / Date

PLEASE BE ADVISED THAT YOUR MOTION WILL BE DENIED IF YOU DO NOT PROVIDE PROOF OF PROPER CAUSE OR A CHANGE OF CIRCUMSTANCES WHICH HAS OCCURRED SINCE THE ENTRY OF YOUR LAST CUSTODY ORDER

**WORKSHEET FOR REQUEST TO CHANGE CUSTODY:
BEST INTERESTS OF THE CHILD(REN) FACTORS**

The Court must decide if the facts of your case are enough under the law to consider changing custody. The Court will consider the following factors to decide if the change you are asking for will be in the best interest of your child(ren). Please write out all of the facts that you think prove each of the factors in this worksheet. Write in the blank next to each factor. Some factors can be left blank if you do not have any facts that apply to them. If you have documents that prove your facts, please attach copies. Use extra pages if necessary.

FACTOR	MY FACTS
a) The love, affection, and other emotional ties existing between the parties involved and the child.	
b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed.	
c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.	
d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining the continuity.	
e) The permanence, as a family unit, of the existing or proposed custodial home or homes.	

<p>f) The moral fitness of the parties involved.</p>	
<p>g) The mental and physical health of the parties involved.</p>	
<p>h) The home, school and community record of the child.</p>	
<p>i) The reasonable preference of the child, if the Court considers the child to be of sufficient age to express preference.</p>	
<p>j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.</p>	
<p>k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.</p>	
<p>l) Any other factor considered by the Court to be relevant to a particular child custody dispute.</p>	