

INSTRUCTIONS FOR MOTION REGARDING CUSTODY

PLEASE COMPLETE THE FOLLOWING IN BLACK OR BLUE INK ONLY:

1. The docket number.
2. Plaintiff's name, address and telephone number (the party who filed the original divorce complaint or paternity complaint – not necessarily the party filing the motion). Check box if this is the party filing this motion.
3. Defendant's name, address and telephone number. Check box if this is the party filing this motion.
4. Name, address and telephone number of third party, if applicable. Check box if this is the party filing this motion.
5. Check "a" or "b", whichever applies to your case. If you check "a", then enter the date of the Judgment/Order setting the most recent terms of custody.
6. Check the box stating which party currently is ordered to have custody. Please check only one.
7. Only the name(s) of the child(ren) that the motion for custody is regarding.
8. Name or names of the person(s) the above listed child(ren) have been living with.
9. The address the child(ren) named above have been living at (Street Number, Street Name, City, State and Zip Code).
10. The date the above named child(ren) began living with this person at this address.
11. Explain what circumstances have changed that require a change in custody. **DO NOT LEAVE BLANK.**
12. Explain in detail how the above circumstances affect the factors in the Child Custody Act for determining the best interests of the child(ren). (See last page of Instruction Page for a list of factors). **DO NOT LEAVE BLANK.**

If you and the other party have agreed to the change of custody then proceed with 13 and 14; if you and the other party have not agreed than proceed with 15.

13. Check this box and enter the name of the other interested party that you have made an agreement with.
14. State the agreement that you and the other party have reached. (Do not forget the other factors that may be affected such as Support, Parenting Time, etc.)
15. Explain in detail what you would like the Court to order. (Do not forget the other factors that may be affected such as Support, Parenting Time, etc.)
16. The date you completed the form and signed the motion.
17. Your signature attesting that all of the information is true.

**YOU WILL NEED A \$20.00 MONEY ORDER MADE PAYABLE TO THE
MONROE COUNTY CLERK.
NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED.**

HEARING DATE

The notice of hearing and certificate of mailing will be completed by the Friend of the Court Scheduling Clerk.

The following items must be submitted to the Scheduling Clerk to obtain a hearing date:

1. Completed Motion Regarding Custody to line 17.
2. A \$20.00 money order made payable to the Monroe County Clerk. No cash or personal checks will be accepted.
3. The FOC will serve a copy of all documents on the parties to the case.

**Send or deliver these items to: Friend of the Court
Attention: Scheduling Clerk
106 E. First Street
Monroe, MI 48161-0120**

The first available date will be assigned and a copy mailed to you at the address submitted on the Motion. Children over the age of 4 may be interviewed 2 weeks prior to the hearing. **Any questions on Hearing Date or Time, please call the Scheduling Clerk.** An appointment will be sent to both parties with instructions.

PURSUANT TO MCL 600.2529 ALL POST JUDGMENT ORDERS MODIFYING CUSTODY OR PARENTING TIME WILL REQUIRE PAYMENT OF A \$80.00 FEE FOR ENTRY OF THE ORDER.

GETTING READY FOR COURT

- YOU MUST ATTEND THE HEARING EVEN IF THERE IS AN AGREEMENT TO CHANGE CUSTODY.
- You are representing yourself in a Court of Law. You are to conduct yourself and follow the same general rules and laws as an attorney would.
- Make a written list of information which you feel is important for the Judge or Referee to know – this list may remind you to bring up the points you feel are important.
- Gather any papers and witnesses that you think will support your position and bring them to the hearing.
- If you feel the need to order someone to attend this hearing, follow the procedure in Michigan Court Rule (MCR) 2.506. If you are unsure of the procedure, you may wish to retain an attorney to file a custody motion for you.
- The Judge, Referee and the Friend of the Court cannot provide you with legal advice. If you need legal advice, you may wish to retain an attorney to file a custody motion for you.

**THE JUDGE/REFEREE MUST DECIDE ANY CHILD CUSTODY DISPUTE
BY CONSIDERING ALL OF THE FOLLOWING FACTORS OF THE
MICHIGAN CHILD CUSTODY ACT [MCL 722.23; MSA 25.312(3)]**

- 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 the continuation of the educating and raising of the child in its religion or creed, if any.
- c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care and 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 continuity.
- e) The permanence, as a family unit, of the existing or proposed custodial home or homes.
- f) The moral fitness of the parties involved.
- g) The mental and physical health of the parties involved.
- h) The home, school and community record of the child.
- i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference.
- j) The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.
- k) Domestic violence, regardless of whether the violence was directed against, or witnessed by the child.
- l) Any other factor considered by the court to be of relevance to a particular child custody dispute.