

## **HOW TO FILE A MOTION REGARDING CUSTODY**

*Please read and follow all instructions carefully! Accuracy and completeness is important! Failure to follow and complete the form may result in amending the form or denying the Motion.*

### **Use this form if:**

- You are a party who has a custody order through a judgment of custody, divorce, Separate maintenance, family support order, or an order of filiation in Muskegon County; and
- Due to a change of circumstance, you desire to legally change the legal/physical custody; and
- You do not wish to use an attorney to represent you.

### **You cannot use this form if:**

- You want to start a custody case or add another child to an existing case; or
- You do not have a case involving the specific child or children in Muskegon Family Court; or
- You only want to change your parenting time (visitation) and/or child support order; or
- You are a third party and want to intervene to get custody in a pending case for custody, divorce, separate maintenance, family support, or paternity; or
- You have obtained an attorney to assist you in this custody issue.

Important Note: By completing and filing this Motion, you are representing yourself in a court action regarding child custody. Failing to follow the instructions may result in you not being granted the custody you desire. Family Court Services cannot offer you legal advice.

### **FILING YOUR CUSTODY MOTION WITH CIRCUIT COURT RECORDS**

- a. **You must make three (3) copies** of your Motion and any additional sheets.
- b. Bring original and copies to Circuit Court Records, located at 990 Terrace St Suite 600 Muskegon, MI 49442 and pay the filing fee. Circuit Court Records will keep the original and two (2) copies. The remaining copy is for your records.

### **What happens next?**

Muskegon County Family Court will schedule a Hearing Regarding Custody with a Family Court Referee.

**NOTE:** There is a \$100 fee to file your Motion. If you can't afford to pay the fee, ask the clerk at Circuit Court Records for an Affidavit and Order, Suspension of Fees/Costs (form MC 20 not included in this packet) to fill out.

**Attention: If you and the other parent agree to a change of Custody, you do not need this Packet. Request a "Custody Consent Packet" from Family Court Services.**

## 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 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 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.

<b>STATE OF MICHIGAN</b> 14th JUDICIAL CIRCUIT MUSKEGON COUNTY	<b>MOTION REGARDING CUSTODY</b>	<div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 20px; margin: 0 auto;">A</div> <b>CASE NO.</b>
--	---------------------------------	--

**Court address**  
990 Terrace Street Suite 600, Muskegon, MI 49442

**Telephone no.**  
(231) 724-6421

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

---

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

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

v

1. a. On

**C**  \_\_\_\_\_ 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. 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** 6. 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 5 above. 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

In custody matters, the Court considers the best interests of the child as it pertains to the following factors. Has there been a change of circumstances that pertains to any factors? Please consider this carefully as you complete the Motion Regarding Custody.

**CHILD CUSTODY ACT OF 1970 (EXCERPT)**  
**Act 91 of 1970**

**722.23 “Best interests of the child” defined.**

Sec. 3.

As used in this act, “best interests of the child” means the sum total of the following factors to be considered, evaluated, and determined by the court:

- (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, if any.
- (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 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 considers the child to be of sufficient age to express preference.
- (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.
- (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 relevant to a particular child custody dispute.

**History:** 1970, Act 91, Eff. Apr. 1, 1971 ;-- Am. 1980, Act 434, Imd. Eff. Jan. 14, 1981 ;-- Am. 1993, Act 259, Imd. Eff. Nov. 29, 1993