

# HOW TO FILE A CUSTODY CONSENT ORDER

Muskegon County  
14<sup>th</sup> Circuit Court – Family Division

*Dear Parent: Please read and follow all of the following instructions carefully.*

## **You should use this form if:**

- You have a case involving the child(ren) in Muskegon’s Family Court;
- You desire to legally change or modify the custody of your child(ren);
- You and the other parent are in agreement about new custody, parenting time, and child support arrangements;
- You do not wish to use an attorney (This is called filing In Pro Per, which is representing yourself).

## **You should not use this form if:**

- You do not already have a case involving the child(ren) in Muskegon’s Family Court;
- You and the parent do not agree about new custody, parenting time, and child support;
- You have already obtained an attorney to assist you in this matter.

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

## **Completing a Custody Consent Order**

1. Fill out the Custody Consent Order Worksheet (attached).  
Be sure to complete all sections of the Worksheet.  
Be as specific as possible.  
Consider holiday plans, summer parenting times, child(ren)’s activities, etc.  
Anticipate possible problems.  
Both parties **MUST** sign and date the worksheet prior to submitting it to Family Court Services.  
The completed Worksheet must be reviewed and approved by Family Court Services.  
(Note: The worksheet is not a court order).
2. You may drop off the completed worksheet to the receptionist during business hours or mail it to:

Hall of Justice  
3<sup>rd</sup> Floor, Family Court Services  
990 Terrace St. Suite 300  
Muskegon, MI 49442

MUSKEGON COUNTY FAMILY COURT SERVICES WORKSHEET FOR CONSENT ORDER REGARDING  
CUSTODY, PARENTING TIME AND SUPPORT

CASE: \_\_\_\_\_

PLAINTIFF: \_\_\_\_\_ DEFENDANT: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

CUSTODY

List the full name and date of birth for each child for which you are requesting a change of custody

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*\*Physical custody refers to the primary living arrangement of the child. Legal custody means that a parent has the right to make major decisions about the child, such as major medical or educational decisions. Joint means that both parties equally share legal and/or physical custody.**

Physical custody of the child(ren) will primarily be with:

Plaintiff       Defendant       Both Plaintiff and Defendant

Legal custody of the child(ren) will be with:

Plaintiff       Defendant       Both Plaintiff and Defendant

PARENTING TIME

**\*\*If you want a parenting time schedule that is not specific and based only on the agreement of the parties, please complete the section below. The parties understand that this parenting time arrangement cannot be enforced by the Family Court Services.**

Please choose one of the following options:

There will be reasonable parenting time as the parties mutually agree and arrange. It is understood and agreed that parenting time may change from time to time, depending upon the circumstances of the parents and the child(ren) involved. This parenting time includes an average of \_\_\_\_ overnights per year with the Plaintiff and an average of \_\_\_\_ overnights with the Defendant.

**\*If you want a parenting time schedule that is specific in its terms please complete the section below or include a separate sheet if you have made your own schedule. Specific parenting time CAN be enforced by Family Court Services. Choose which options you have agreed to, you do not have to use all of them.**

Parenting will be according to the attached schedule.

Parenting time schedule options (check all the apply):

The  Plaintiff /  Defendant will have specific parenting time with the minor child(ren) as follows:

Alternating weekends from \_\_\_\_\_ Friday until \_\_\_\_\_ Sunday.

On \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_.  
(Specific Day) (Specific Time)

On \_\_\_\_\_ from \_\_\_\_\_ until \_\_\_\_\_.  
(Specific Day) (Specific Time)

Holiday Parenting Time as follows:

Odd numbered years: New Year's Day, Memorial Day, Labor Day, Christmas Eve and New Year's Eve.

Even numbered years: Easter Sunday, Independence Day, Thanksgiving Day and Christmas Day.

Other Holidays: \_\_\_\_\_

Mother's Day to the mother; Father's Day to the father.

Holiday parenting time hours shall be from \_\_\_\_\_ a.m. until \_\_\_\_\_ p.m.

**Holiday shall take precedence over regularly scheduled parenting time.**

\_\_\_\_\_ of Christmas Break;

\_\_\_\_\_ of Spring Break;

Summer Parenting Time shall be as follows:

Alternating weeks

Alternating two-week periods

Entire summer with alternating weekend parenting time to \_\_\_\_\_.

\_\_\_\_\_ weeks with \_\_\_\_\_ days' notice to \_\_\_\_\_.

The following parenting time language is standard and must be included in a consent order for parenting time:

*Other parenting time with the minor child(ren) of the parties as mutually agreed upon between parties.*

*The residence of the minor child(ren) shall not be removed from the State of Michigan without the prior approval of the Court; and the custodial parent shall keep Muskegon County Family Court Services fully informed of the current address of the child.*

*Except otherwise provided in this Order, neither parent shall exercise parenting time in a foreign county/nation that is not a party to the Hague Convention of the Civil Aspects of International Child Abduction and shall not change the legal residence of the child except in compliance with state law.*

### CHILD SUPPORT

**\*If the child(ren) receive public assistance, child support must be calculated using the Michigan Child Support Guidelines\***

Do you receive public assistance?  No  food  cash assistance  Medicaid

What have you agreed child support should be \$\_\_\_\_\_ per month

Are there any arrears that you have agreed to waive? \* \$\_\_\_\_\_

\*Note that any arrears owed to the State of Michigan are non-waivable.

Who is responsible for medical insurance for the child?  Plaintiff  Defendant

Child(ren) name(s) & how many overnights each child spends with the payer of support.

\_\_\_\_\_

Child

\_\_\_\_\_

# of overnights

\_\_\_\_\_

Child

\_\_\_\_\_

# of overnights

\_\_\_\_\_

Child

\_\_\_\_\_

# of overnights

### Plaintiff's Support Calculation Information

Employer Name: \_\_\_\_\_

Wage: \$\_\_\_\_\_ Hours worked per week #\_\_\_\_\_ OR salary \$\_\_\_\_\_ per \_\_\_\_\_

Other income (Social Security, rental, tribal) \$\_\_\_\_\_ per \_\_\_\_\_

How do you file taxes?  single  Head of household  married

How many people do you claim on taxes? \_\_\_\_\_

Do you have mandatory retirement or union dues? \$\_\_\_\_\_ per \_\_\_\_\_

Do you have any other mandatory deductions for your work (uniforms, tools) \$\_\_\_\_\_ per \_\_\_\_\_

Do you pay for child care?  Yes  No What is the cost per week \$\_\_\_\_\_ for child \_\_\_\_\_

Are you paying for health insurance?  Yes  No Cost of Insurance \$\_\_\_\_\_ per \_\_\_\_\_

How many children (under 18) on insurance \_\_\_\_\_ How many adults \_\_\_\_\_

### Defendant's Support Calculation Information

Employer Name: \_\_\_\_\_

Wage: \$\_\_\_\_\_ Hours worked per week #\_\_\_\_\_ OR salary \$\_\_\_\_\_ per \_\_\_\_\_

Other income (Social Security, rental, tribal) \$\_\_\_\_\_ per \_\_\_\_\_

How do you file taxes?  single  Head of household  married

How many people do you claim on taxes? \_\_\_\_\_

Do you have mandatory retirement or union due? \$\_\_\_\_\_ per \_\_\_\_\_

Do you have any other mandatory deduction for your work (uniforms, tools) \$\_\_\_\_\_ per \_\_\_\_\_

Do you pay for child care?  Yes  No What is the cost per week \$\_\_\_\_\_ for child \_\_\_\_\_

Are you paying for health insurance?  Yes  No

Cost of Insurance \$\_\_\_\_\_ per \_\_\_\_\_  
(weekly/biweekly/monthly)

How many children (under 18) are covered by insurance? \_\_\_\_\_ How many adults? \_\_\_\_\_

### **ACKNOWLEDGMENT OF REQUEST FOR CUSTODY CHANGE**

We agree to a proposed order drafted under these terms and we understand its provisions. We request that Family Court Services prepare this order for our signatures.

We understand that once the order is signed by the Judge, we are bound by it and each of its provisions.

If we cannot agree upon the changes in this order, the party seeking any changes will need to petition the court and may need an attorney to do so.

Neither party has coerced the other into requesting this order.

We each have the option to seek legal counsel to complete this custody change. If we choose not to consult attorneys, we accept responsibility for that choice.

We agree that these agreed upon changes do not **harm** our child(ren). Instead, these changes will enhance our **co-parenting** relationship.

We acknowledge that we have taken into consideration each of the “best interest” factors under the Child Custody Act (MCL 722.23) which are attached.

We hereby request services pursuant to the title IV-D of the social security act.

\_\_\_\_\_

Plaintiff's signature

\_\_\_\_\_

Date

\_\_\_\_\_

Defendant's signature

\_\_\_\_\_

Date

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 interest 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 law 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 or witnessed by the child.
- (l) Any other factor considered by the court to be relevant to a particular child custody dispute.