

MOTION FOR CHANGE IN CUSTODY DUE TO JUVENILE COURT PROCEEDINGS

USE THIS SET OF FORMS ONLY IF:

- You have a prior or current case pending in Wayne County Circuit Court Domestic Division
- You have a neglect or abuse case pending in the Wayne County Juvenile Court
- You still have at least one child involved with these actions that is under 18 years old
- You want to change physical custody [where the child(ren) lives most of the time] and/or legal custody [important decisions involving the minor child(ren)] of the child(ren) in your case

NOTE: These instructions have been updated to reflect the current filing options. As filing options can change, please visit the Court's website at www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings for the most up to date filing information.

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 accept 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) or online [here](#). You must provide a copy of your State-issued photo ID card and proof of income and/or public assistance. Requests for Fee Waivers can be submitted in person at CAYMC or online using the Domestic Case Filings system. You cannot obtain a Fee Waiver by mail. 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 the same day. Instructions on the different options to obtain a Fee Waiver may be found online at www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings.

INSTRUCTIONS:

1. Fill out all of the attached forms; thoroughly and completely. Failure to do so may result in your filing being rejected or dismissed. You must complete the Case Inventory Form (MC 21), which lists all of your prior cases involving this minor child(ren). You may search your name on Odyssey Public Access at www.3rdcc.org/OPA or e-mail the Wayne County Record Room at wcrecordroom@waynecounty.com.
2. Write your Domestic Division Case number (including the two letters at the end) in the upper right corner of every page and your Juvenile Court Case number (including the two letters at the end) underneath it.
3. **You must attach a copy of the last Judgment or Order regarding custody that you are seeking to**

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change. If you do not have a copy of this Order you must obtain it from the Friend of Court (for DP and DS cases) or the Wayne County Record Room (for DM, DC, and DZ cases). For FOC Records, submit a Request to Access to Records request ([FOC Form 4022](#)). Wayne County records contact the Record Room at wcrecordroom@waynecounty.com.

4. Always keep a copy of every paper you file with the Court and have them available at your hearing.

4. **IF YOU ARE FILING ONLINE (RECOMMENDED):**

1. The electronic filing system can be found at www.3rdcc.org/agency-resources. Click on Outside Agency Web Access under Applications Access to set up an account and to access the Domestic Case Filings System. Review User Guide for Domestic Case Electronic Filers under How to Tutorials for detailed instructions on how to access the system.
2. You will receive an email once your motion has been accepted for filing.
3. **Once you receive the email that your Motion has been accepted, you must email a copy to your assigned Judge's courtroom email box.** The courtroom email boxes are listed online at www.3rdcc.org/zoom/family-division-domestic.
4. Once the Court has received the properly filed Motion, the Court will begin the process to refer the case to the Juvenile Court. The Motion will be scheduled by the Juvenile Court once the referral is received.

IF YOU ARE FILING IN PERSON:

1. Take your original set of motion forms, your copies, Form MC 21 (list of all prior cases), and your filing fees (or signed Order waiving filing fees) to the Wayne County Clerk in **Room 201 (CAYMC 2nd floor)**. You will be given case labels (stickers).
2. 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**.
3. If you have an Order waiving your filing fees, give it the Clerk.
4. The Clerk will keep the original forms and have you pay at the Cashier counter.
5. The Clerk will give back to you the "Motion Praecipe" form with a red stamp on it. This proves that you filed the Motion with the Clerk's office.
6. **Once you have filed your motion, you must email a copy of your motion to your assigned Judge's courtroom email box.** The courtroom email boxes are listed online at www.3rdcc.org/zoom/family-division-domestic.
7. Once the Court has received the properly filed Motion, the Court will begin the process to refer the case to the Juvenile Court. The Motion will be scheduled by the Juvenile Court once the referral is received.

IF YOU ARE FILING BY MAIL:

1. Note: You cannot obtain a filing fee waiver by mail.
2. Write your Case Number in the upper right corner of every page.
3. Mail your original forms, 3 sets of copies and a money order or certified check for the filing fees to: **Wayne County Clerk, Room 201, Coleman A. Young Municipal Center, Detroit, MI 48226.**
4. Keep copies of everything you mail to the Court.
5. 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."
6. To ensure that your case has been filed, please visit Odyssey Public Access at www.3rdcc.org/OPA and search for your newly filed action.
7. **Once the Motion appears on the Register of Actions, you must email a copy to your assigned Judge's courtroom email box.** The courtroom email boxes are listed online at www.3rdcc.org/zoom/family-division-domestic.
8. Once the Court has received the properly filed Motion, the Court will begin the process to refer the case to the Juvenile Court. The Motion will be scheduled by the Juvenile Court once the referral is received.

QUESTIONS?

For assistance in filing, call the Wayne County Clerk's Office of the Court at 313-224-6262 or visit: <http://www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings>. The Wayne County Circuit Court cannot give you legal advice or help preparing documents. General Court Information can be found on the website: www.3rdcc.org.

For assistance in completing the paperwork, you may contact Lakeshore Legal Aid at (888) 783-8190 or William Booth Legal Aid Clinic at (313) 361-6340.

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

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| STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY | MOTION TO CHANGE CUSTODY DUE TO JUVENILE COURT PROCEEDINGS | Domestic Relations Case NO.: Juvenile Court Case No. |
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Please print or type ALL information

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| Plaintiff's name, address, telephone no., and <u>email address</u> 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 <u>email address</u> 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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ALL BLANKS MUST BE COMPLETE.

- An Order for Custody or a Judgment of Divorce was entered in this case providing for custody of the following child(ren) **(You must attach a copy of the last Judgment or Order regarding custody that you are seeking to change. If you do not have a copy of the last Judgment or Order, please refer to Step #3 under "Instructions" to obtain a copy.)**

Child(ren) name:

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

- Custody should be changed because there is proper cause or a change of circumstances in that Juvenile Child Protective Proceedings are pending. (Attach Required Worksheets and additional sheets if necessary.) Please explain why juvenile case is pending:

- I am requesting the Court modify custody and parenting time as follows:

- Physical Custody (party child primarily lives with):** Mother Father Both parties is/are fit and proper to have physical custody (who the child should live with) of the minor child(ren) of the parties and it is in the best interests of the minor child(ren) to award sole joint physical custody of the minor child(ren) to Mother Father Both parties.

- Legal Custody (important decisions involving child – medical; educational; religious):**
 Mother Father Both parties is/are fit and proper to make major decisions regarding the minor child(ren) of the parties and it is in the best interests of the minor child(ren) to award sole joint legal custody (decision making) of the minor child(ren) to Mother Father Both parties.

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- **Parenting Time:** Mother Father is is not fit and proper for parenting time and it is in the best interests of the minor child(ren) to award reasonable specific supervised reserved parenting time

4. I am am not currently ordered to pay child support.
5. I am am not requesting that my child support obligation stop.
6. I am am not requesting the opposing party pay child support, including medical and child-care expenses, as calculated according to the Michigan Child Support Formula.
7. Any other relief that the court deems fair and proper.

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

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

Date

Plaintiff

Date

Plaintiff's Attorney

Date

Defendant

Date

Defendant's Attorney

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. If you have documents that prove your facts, attach copies. Use extra pages if necessary.

THIS FORM MUST BE COMPLETED IN FULL OR YOUR MOTION WILL BE RETURNED OR DENIED.

| 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. | |

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| <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> | |

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| STATE OF MICHIGAN CIRCUIT COURT - FAMILY DIVISION COUNTY | CONFIDENTIAL CASE INVENTORY (DOMESTIC RELATIONS AND JUVENILE CODE) | CASE NO. PETITION NO. JUDGE |
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| | | |
|------------------------|---|------------------|
| Plaintiff's name | v | Defendant's name |
| In the matter of _____ | | |

Instructions: List any known pending or resolved family division cases involving the person(s) named in the complaint or petition or family members of the person(s) named in the complaint or petition. File the completed form with the complaint or petition, but do not attach or staple together. Complete and file additional sheets if necessary.

Examples of family division cases include personal protection orders, divorce, custody, paternity, child support, juvenile delinquency, and child protective proceedings. See MCL 600.1021 for a complete list.

Note: This form is confidential and not to be served on other parties in this case.

| | | |
|---|---|---|
| Court information (name, number, and county/state) | | |
| <input type="checkbox"/> This court <input type="checkbox"/> Other court or tribunal: | | |
| Case name | Case/File no. | |
| Assigned judge | Case status <input type="checkbox"/> Pending <input type="checkbox"/> Resolved | Are support or custody/parenting time orders in effect? <input type="checkbox"/> Support <input type="checkbox"/> Custody/Parenting Time |

| | | |
|---|---|---|
| Court information (name, number, and county/state) | | |
| <input type="checkbox"/> This court <input type="checkbox"/> Other court or tribunal: | | |
| Case name | Case/File no. | |
| Assigned judge | Case status <input type="checkbox"/> Pending <input type="checkbox"/> Resolved | Are support or custody/parenting time orders in effect? <input type="checkbox"/> Support <input type="checkbox"/> Custody/Parenting Time |

| | | |
|---|---|---|
| Court information (name, number, and county/state) | | |
| <input type="checkbox"/> This court <input type="checkbox"/> Other court or tribunal: | | |
| Case name | Case/File no. | |
| Assigned judge | Case status <input type="checkbox"/> Pending <input type="checkbox"/> Resolved | Are support or custody/parenting time orders in effect? <input type="checkbox"/> Support <input type="checkbox"/> Custody/Parenting Time |

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|---|---|---|
| Court information (name, number, and county/state) | | |
| <input type="checkbox"/> This court <input type="checkbox"/> Other court or tribunal: | | |
| Case name | Case/File no. | |
| Assigned judge | Case status <input type="checkbox"/> Pending <input type="checkbox"/> Resolved | Are support or custody/parenting time orders in effect? <input type="checkbox"/> Support <input type="checkbox"/> Custody/Parenting Time |

_____ Date

_____ Signature