

MOTION FOR A JUDGE HEARING

THIS PACKET IS FOR THE FOLLOWING MOTIONS THAT MUST BE HEARD BY THE JUDGE, NOT THE REFEREE.

THESE INCLUDE:

- Motions regarding all spousal support issues, post judgment, in all cases.
- Motions to set aside or obtain relief from Judgment in DM, DO, DZ and DC cases.
- Motions regarding change of domicile (includes out of state and 100 mile requests).
- Motions regarding enforcement of property issues in judgment.
- Motions regarding any and all other legal issues, including statute of limitations issues.
- Do not use this packet for custody, parenting time or child support modifications.

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 \$20.00 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.

HOW TO FILE A MOTION FOR HEARING BEFORE THE JUDGE

1. This packet contains instructions and blank forms for motion, notice of hearing, certificates of mailing, and order.
2. By using this form packet you are representing yourself in a court action. In order to receive the action you are asking for, you must follow these instructions. You may be required to conduct legal research in order to proceed. Court personnel are prohibited from providing legal advice. **If you fail to do even one of the required steps, your Motion may not be processed.**
3. All documents must be typed or written legibly using black ink, not pencil.
4. Use these instructions only if you are a party to an existing post-judgment case for custody, divorce, separate maintenance, family support, support or paternity. This process cannot be used to start a new case.
5. If the other party is incarcerated, you have certain additional requirements that you must meet. Please consult MCR 2.004 or a private attorney. Indicate on your papers following the person's name that the person is incarcerated and in what facility he or she is being held.
6. A motion is a document you prepare to ask the court to change the existing order. An existing order cannot be changed except by a new order.
7. A separate motion packet must be prepared for each case. Separate cases cannot be combined in the same documents.
8. You must first determine the judge who is assigned to your case and verify your case number. You can obtain this information from the office of the Wayne County Clerk or the Friend of the Court.
9. Complete all the case information on all forms. Write your motion.
10. Remember that a motion must very specifically state what relief or modification you are requesting. It must also very specifically state why you believe the judge should rule in your favor. All relevant and necessary documentation must be attached to your motion. Some types of relief or modification have certain very specific requirements. You may need to research the law or consult an attorney.
11. Make 4 sets of copies.
12. File your motion in person, by mail, or online. See instructions below on how to file.

13. **Once your motion has been filed, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
14. Prepare the Notice of Hearing form. Be sure to fill in the date, time and location given to you in the ePraecipe.
15. Mail (serve) a complete Motion packet (Motion and Notice of Hearing) to the other party. Make sure to include copies of any additional pages you have written in the copy packet you send to the other party. You must mail the Motion packet at least **nine (9) days** before the hearing or your motion will not be heard.
 - a. If you do not have the address of the other party, you may call the FOC Executive Office at (313) 224-6639 to obtain the address.
 - b. If the address is marked “confidential” in the Friend of the Court records, then the Friend of the Court will mail the packet to the other party. You will need to e-mail a packet to CustomerService@3rdcc.org and request that a copy be served on the other party.
16. Email a copy of your filed Motion to the assigned judge’s courtroom email box. The courtroom email boxes are listed online at www.3rdcc.org/zoom/family-division-domestic.
17. **Before the hearing date**, complete the certificate of mailing and file with the Wayne County Clerk. See instructions below on how to file.
18. Bring a copy of your packet and certificate of mailing with you to the hearing.
19. Response from other party: If you receive a response to your Motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf. You may want to make notes about what you will say in court.
20. **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.
21. After the hearing:
 - a. You are responsible for preparation of an Order. If the judge agrees, the attached form order may be completed after the hearing and presented for signature. You must prepare an original and 4 copies for the court to complete for the Friend of the Court, you and the other party.
 - b. You are responsible for mailing a True Copy of the Order to the other party after the hearing and filing a certificate of mailing.
22. The court will keep the Friend of the Court copy of the Order and send it to the Friend of the Court.

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 submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
4. Once you have submitted the ePraecipe, you will receive a completed copy back with your hearing date on it. Please note that the final hearing date may be different from what was requested on the ePraecipe, due to Court availability.

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 copies. Case labels are free and available in **Room 201**.
4. Give the Clerk your original motion forms. If you have a Chief Judge Order waiving your filing fees, give it to 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 original motion with a red file stamp on it. This proves that you filed the Motion with the Clerk's office.
7. **Once you have filed your motion, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
8. Once you have submitted the ePraecipe, you will receive a completed copy back with your hearing date on it. Please note that the final hearing date may be different from what was requested on the ePraecipe, due to Court availability.

IF YOU ARE FILING BY MAIL:

1. 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.**
2. Keep copies of everything you mail to the Court.
3. 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."
4. Monitor the status of your filing using Odyssey Public Access at www.3rdcc.org/OPA by searching your case number or name.
5. **Once you have confirmed that your Motion has been filed, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
6. Once you have submitted the ePraecipe, you will receive a completed copy back with your hearing date on it. Please note that the final hearing date may be different from what was requested on the ePraecipe, due to Court availability.

QUESTIONS?

For questions regarding filing, please visit: <http://www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings>. You may also call the Wayne County Friend of the Court at (844) 785-7593 or email CustomerService@3rdcc.org.

1. **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.

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	For: MOTION	CASE NO. HON.
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COURT ADDRESS: TWO WOODWARD AVENUE, DETROIT, MI 48226

Plaintiff's Name, Address and Telephone No.

VS

Defendant's Name, Address and Telephone No.

MOTION
 STIPULATION (agreement)

PETITIONER is: (check one)

PLAINTIFF
 DEFENDANT
 COURT-ORDERED CUSTODIAN (if different)

1. I request that the court order the following: (Write a detailed explanation.)

2. This is requested and should be ordered because: (Write a detailed explanation.)

3. We stipulate (agree) to this modification/relief as shown by our signatures below.

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

Signature of Plaintiff	Typed/printed name	Date
Signature of Defendant	Typed/printed name	Date
Signature of Court-Ordered Custodian (if different)	Typed/printed name	Date

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	NOTICE OF HEARING	CASE NO. HON.
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TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

v

Defendant's name, address and telephone no.



A hearing will be held on this motion BEFORE THE ASSIGNED **JUDGE** as follows:

Date: _____

Time: _____

before Judge: _____

Location: _____

in the Coleman A. Young Municipal Center,
(Formerly City-County Building)
Two Woodward Avenue, Detroit, Michigan 48226



A hearing will be held on this motion BEFORE THE ASSIGNED **REFEREE** as follows:

Date: _____

Time: _____

before Referee: _____

Location: _____

in the Penobscot Building,
645 Griswold
Detroit, Michigan 48226



A hearing will be held on this motion **after screening and/or investigation**. The Friend of the Court will schedule the hearing. The Friend of the Court will send scheduling notices to both parties before the hearing.

Date

Signature

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	CERTIFICATE OF MAILING RE: MOTION & NOTICE OF HEARING	CASE NO. HON.
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TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

V

Defendant's name, address and telephone no.

I certify that on this date I served the other party with a copy of the attached motion and notice of hearing by ordinary mail with first-class postage fully pre-paid, addressed to the person at the address indicated on the motion.

_____ *Date*

_____ *Signature*

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	ORDER For:	CASE NO. HON.
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TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

V

Defendant's name, address and telephone no.

At a session of Court in Detroit, MI on: _____

PRESENT: HON. _____

THE COURT FINDS: _____

IT IS ORDERED: _____

CIRCUIT JUDGE

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	CERTIFICATE OF MAILING RE: ORDER	CASE NO. HON.
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COURT ADDRESS: TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

VS

Defendant's name, address and telephone no.

I certify that, on this date, I served the other party with a copy of the attached TRUE COPY of the Order which was entered on _____ by ordinary mail with first-class postage fully pre-paid, addressed to the other party to the case at the following address:

DATE

Name of person the Order was sent to: _____

Mailing Address: _____

Date

Signature