



THIRD JUDICIAL CIRCUIT COURT
FRIEND OF THE COURT

MOTION TO CHANGE CUSTODY

USE THIS SET OF FORMS IF:

- You still have at least one child on this case that is under 18 years old
- You want to change physical custody of the child(ren) in your case [where the child(ren) live most of the time]
- You want to change legal custody of the child(ren) in your case (i.e. having the legal right to take part in major life decisions about the child(ren)).
- There has been proper cause or a change in circumstances which has occurred since entry of your last custody order.

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 Praecepte, Motion to Change Custody and Worksheet. **USE BLACK OR BLUE INK ONLY.**
2. Write your Case Number in the upper right corner of every page.
3. **Attach a complete copy of your most recent child custody, parenting time and support order(s) to your forms.** You might have more than one Order or Judgment that talks about all three issues, or you may have more than one Order.
4. Leave the forms in numerical order. Make 3 sets of copies including all of your attachments before you bring them to Court to file them.
5. Always keep a copy of every paper you file with the Court and bring your copies with you to the hearing.
6. To get a Court date, you need to file the motion properly with 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 Friend of the Court ePraecepte at <https://www.3rdcc.org/efiling/epraepcepte> to schedule your motion for hearing before the referee assigned to your case.
4. Once you have submitted the ePraecepte, 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 ePraecepte, 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 only on pages 1 and 2 of each of your 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 "Motion Praecepte" form with a red stamp on it. This proves that

you filed the Motion with the Clerk's office.

7. Take that stamped "Motion Praecipe" form, your original Financial Information form, and your copies to: the FOC Scheduling Office in **Room 900A (CAYMC 9TH floor)**.
8. At the window of **Room 900A**, an FOC representative will take all of your paperwork and give you a hearing date.
9. **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.

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. You will receive your hearing date by mail.

QUESTIONS?

Call the Wayne County Friend of the Court at (844) 785-7593 or email CustomerService@3rdcc.org. Employees of the Friend of the Court or the Wayne County Circuit Court cannot give you legal advice or help prepare documents. General Court information can be found on the website: www.3rdcc.org

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.

Please print or type information

Plaintiff name, address, telephone no., and email address Attorney name, address, telephone no., and email address <input type="checkbox"/> This party is incarcerated and a telephone hearing is required. _____ Prisoner ID# Department of Corrections' Prison Name	Defendant name, address, telephone no., and email address Attorney name, address, telephone no., and email address <input type="checkbox"/> This party is incarcerated and a telephone hearing is required. _____ Prisoner ID# Department of Corrections' Prison Name
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1. A Judgment of Divorce or an Order was entered in this case providing for custody of the following child(ren) (**You must attach a copy of the Judgment or Order establishing custody.**)

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

2. Custody should be changed because there is proper cause or a change of circumstances. (Attach Required Worksheet and additional sheets if necessary.)

3. I am requesting the court to change custody as follows, and I ask that the court order parenting time to the other party as follows: (Attach additional sheets if necessary.)

JOINT LEGAL	JOINT PHYSICAL	SOLE LEGAL	SOLE PHYSICAL
<input type="checkbox"/> Mother	<input type="checkbox"/> Mother	<input type="checkbox"/> Mother	<input type="checkbox"/> Mother
<input type="checkbox"/> Father	<input type="checkbox"/> Father	<input type="checkbox"/> Father	<input type="checkbox"/> Father

PARENTING TIME:

We have agreed to custody and parenting time as stated in #3 above.

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

/	/	
Signature of Plaintiff	Date	Signature of Defendant Date

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. Write in the blank next to each factor. Some factors can be left blank if you do not have any facts that apply to them. If you have documents that prove your facts, please attach copies. Use extra pages if necessary.

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.	

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.	