

# **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 of the child(ren) in your case  
[physical custody means where the child(ren) live most of the time]

**This Motion must be filed in the Coleman A. Young Municipal Center (CAYMC) building at Two Woodward Avenue, Detroit, MI 48226 in Room 201. It will cost you \$100.00 to file this motion (unless fees are waived-see below). The County Clerk's Office accepts cash; debit cards; MasterCard, American Express, and Discover credit cards; and certified checks or 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. The Fee Waiver forms are included in this packet. You can ONLY do this in person and you must have a State-issued photo ID card and proof of your income and/or public assistance.***

***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 that same day.***

***The County Clerk's office is open from 8:00 a.m. to 4:30 p.m..***

## **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. **Use BLACK OR BLUE INK ONLY**
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. **Attach a complete copy of your most recent child custody, parenting time and support order(s) to your forms.** You may have one Order or Judgment that talks about all three issues, or you may have more than one Order.
4. Fill out the Worksheet for Request of Change in Custody in this packet and attach it to your forms.
5. Leave the forms in numerical order. Make 3 sets of copies of pages 1 through 4 and all of your attachments before you bring them to Court to file them.
6. Bring all the original forms plus the 3 sets of copies to file.
7. You will be instructed to complete a form (MC 21), which lists all of your prior cases involving this minor child(ren). You must go to the Record Room located in the basement of CAYMC to confirm and list all prior cases.

For referral to Juvenile Court

8. Always keep a copy of every paper you file with the Court and bring them to the hearing.
9. To get a Court date, you need to file the motion properly with the Court.

### **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 2<sup>nd</sup> 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 a Chief Judge Order waiving your filing fees, give it to 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. Take that stamped "Motion Praecipe" form and your copies to to your assigned Judge's courtroom and drop it off with the Court Clerk or leave in the box outside the Courtroom.

### **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. Your Domestic case will be referred to the assigned Juvenile Court Judge for a hearing.
7. You will receive your hearing date by mail from the Juvenile Court once your case has been referred.

### **QUESTIONS?**

Call the Wayne County Friend of the Court at 877-543-2660 Employees of the Friend of the Court and 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](http://www.3rdcc.org).

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

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

Plaintiff's 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# _____ Dept. of Corrections' Prison Name _____	Defendant's 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# _____ Dept. of Corrections' Prison Name _____
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**ALL BLANKS MUST BE COMPLETE.**

1. 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.**)

Child(ren) name and date of birth:

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

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 in that Juvenile Child Protective Proceedings are pending. (Attach Required Worksheets and additional sheets if necessary.) Please explain why juvenile case is pending:

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

3. 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.

For referral to Juvenile Court

- **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.

\_\_\_\_\_  
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.**

<b>FACTOR</b>	<b>MY FACTS</b>
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.	

<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>	

<b>STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</b>	<b>REQUEST FOR HEARING IN JUVENILE COURT ON A DOMESTIC RELATIONS CUSTODY MOTION</b>	<b>DOMESTIC RELATIONS CASE NO.:</b>  <b>JUVENILE CASE NO.:</b>
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<b>Plaintiff's Name, Address, Telephone No., and E-mail:</b>  
<b>Attorney's Name, Bar No., Address, Telephone No., and E-mail:</b>  

v

<b>Defendant's Name, Address, Telephone No., and E-mail:</b>  
<b>Attorney's Name, Bar No., Address, Telephone No., and E-mail:</b>  

1. Motion Title: **Motion to Change Custody Due to Juvenile Court Proceeding**
2. Moving Party: \_\_\_\_\_ Telephone No.: \_\_\_\_\_
3. Please place this Motion on the motion calendar for:

<b>Juvenile Judge:</b>  	<b>Location:</b>  	<b>Date</b>  	<b>Time</b>  
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4. I certify that I have made personal contact with the Custodial Parent on [date] \_\_\_\_\_ regarding agreeing to this motion and that the Custodial Parent would not agree or that I have made reasonable efforts to contact the Custodial Parent regarding agreeing to this Motion without success.

Date: \_\_\_\_\_ Moving Party/Attorney: \_\_\_\_\_

**ORDER**

**IT IS ORDERED THAT THIS MOTION IS:**  DENIED  GRANTED IN PART/DENIED IN PART  
 TAKEN UNDER ADVISEMENT  DISMISSED  GRANTED AND IT IS FURTHER ORDERED  
**THAT:** \_\_\_\_\_  
 DUE TO CONTINUING JUVENILE COURT CHILD PROTECTIVE PROCEEDING,  
 ADJOURNED TO [date] \_\_\_\_\_ ADJOURNED TO [date] \_\_\_\_\_ ADJOURNED TO [date] \_\_\_\_\_

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Circuit Court Judge

FILE THIS REQUEST IN PERSON OR BY MAIL WITH:  
 CATHY M. GARRETT  
 WAYNE COUNTY CLERK  
 201 COLEMAN A. YOUNG MUNICIPAL CENTER  
 DETROIT, MICHIGAN 48226

A hearing date and time will be scheduled by the Juvenile Court once this case has been referred by the Domestic Relations Judge.

**NOTICE RE: FILING FEES:** In addition to the \$20 motion fee, a filing fee of \$80 must be paid for child custody or parenting time motions. The filing fee is nonrefundable, but may be waived by the Chief Judge for those who meet the criteria for waiver. Waiver forms are available at 201 CAYMC from Clerk's Office staff and must be submitted on the same day as the motion.

<b>STATE OF MICHIGAN</b> CIRCUIT COURT - FAMILY DIVISION COUNTY	<b>CASE INVENTORY ADDENDUM</b> (FAMILY DIVISION)	<b>CASE NO.</b>  <b>PETITION NO.</b>
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Plaintiff's name	<b>v</b>	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. Then, attach the completed form to the complaint or petition. Complete and attach 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:** You must serve this form on the other parties with the summons and complaint or petition.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE</b>	<b>FEE WAIVER REQUEST</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Plaintiff's/Petitioner's name	<b>v</b>	Defendant's/Respondent's name
Plaintiff's/Petitioner's attorney, and bar no.		Defendant's/Respondent's attorney and bar no.
<input type="checkbox"/> Probate In the matter of _____		

**Instructions:** Complete the form and file it with the clerk. After you receive a decision on your request, you must serve your request and the decision on the other party.

I request a waiver of my filing fees for the following reason: (Check 1, 2, or 3)

1. I receive the following type(s) of public assistance because of indigence:
- Food Assistance Program through the State of Michigan (also known as FAP or SNAP)
  - Medicaid (including Healthy Michigan, CHIP, and ESO)
  - Family Independence Program through the State of Michigan (also known as FIP or TANF)
  - Women, Infants, and Children benefits (WIC)
  - Supplemental Security Income through the federal government (SSI)
  - Other means-tested public assistance: \_\_\_\_\_

My public assistance case number(s) (if any) is \_\_\_\_\_ .  
Write "none" if no case number. Do not write your SSN.

2. I am represented by a legal services program or I receive assistance from a law school clinic because of indigence. The name of the legal services program or law school clinic is \_\_\_\_\_ .

3. I am unable to pay the fees and I did not check item 1 or 2.  
My gross household income is \$ \_\_\_\_\_ every \_\_\_\_\_ .  
The number of people in my household is \_\_\_\_\_ . Week/Two weeks/Month/Year  
My source of income is \_\_\_\_\_ .  
List assets and their worth, such as bank accounts. If you need more space, attach a separate sheet.

List obligations and how much you pay, such as rent or other debts. If you need more space, attach a separate sheet.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**FOR CLERK USE ONLY:** Payment of filing fees is waived.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of court clerk

**ORDER**

**IT IS ORDERED:**

- 1. Payment of filing fees is waived because:
  - a. Your gross household income is under 125% of the federal poverty guidelines.
  - b. Your gross household income is above 125% of the federal poverty guidelines, but payment of the fees would constitute a financial hardship for you.
  - c. Other:

If you become able to pay the fees before this case is resolved, you must notify the court.

- 2. The fee waiver request is denied because:
  - a. Your gross household income is above 125% of the federal poverty guidelines and payment of the fees would not constitute a financial hardship for you.
  - b. Other:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Bar no.