

Step-By-Step Instructions: Doing Your Own Motion Regarding Custody

NOTE: To file a Motion Regarding Custody (FOC 87) there must be an existing case or there must be a custody order through a judgment of custody or divorce. The Motion Regarding Custody forms cannot be used to start a custody case. The filing fee for a Motion Regarding Custody (FOC 87) is \$100.00. This is paid at the Allegan County Circuit Court Records office at the time of filing. If the moving party receives public assistance or if they would suffer financial hardship and are unable to pay the fee they may complete a Fee Waiver (MC 20). Please visit the Allegan County Legal Assistance Center for assistance.

Step 1: The following documents are required:

- Motion Regarding Custody (FOC 87)
- Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA) (MC 416)
- Order Regarding Custody and Parenting Time (FOC 89)
- Fee Waiver (MC 20)
(Only if the moving party needs to ask the court to waive the filing fee)
- Template for Attachment to Motion Regarding Custody
- Best Interest Factors

Step 2: Fill out Motion Regarding Custody.

Before beginning to fill out the Motion Regarding Custody (FOC 87), make sure to know the case number and the date of the last custody order (if applicable). If this information is not known, contact the Allegan County Legal Assistance Center at (269) 686-5221 or Circuit Court Records at (269) 673-0300. Ensure that the handwriting is legible. The following letters match up to the letters on the Motion Regarding Custody form (FOC 87). Complete the form as follows:

- Section (A) This letter is located at the upper right hand corner of the form. Write the case number in this space. Ensure that the two letters at the end of the case number are also included.
- Section (B) The Plaintiff and Defendant remain the same throughout the entirety of the court case. Complete the Plaintiff box and Defendant Box with the requested information. Provide the most current addresses and phone numbers for both the Plaintiff and Defendant.
- Section (C) If there is a custody order, check box “a.” and write in the date of the most recent custody order. If there is no custody order, check box “b.”
- Section (D) Check this box only if box “a.” was checked at Section C. Indicate whether the Plaintiff, Defendant, or a third party were ordered to have custody and write the child(ren)’s name(s) for whom the custody was ordered. If joint custody was ordered, check both the Plaintiff and Defendant’s boxes.

- Section (E) Indicate with whom the child(ren) have been living, the address they have been living at, and since what date the child(ren) have been living at that address. If the child(ren) have been living at more than one location, attach a separate sheet of paper with the corresponding information.
- Section (F) Beginning at this section, use the template titled “Attachment to Motion Regarding Custody” as an example of how to set up the written content on a separate sheet of paper. Describe what has happened since the date of the last custody order that requires a change in custody. Write “see attached” next to Section F on the Motion Regarding Custody form (FOC 87) and write the content on a separate piece of paper using the template as an example.
- Section (G) Beginning at this section, use the “Best Interests of the Child” Factors. Explain which of the twelve factors apply to the reason for changing custody and why it is in the best interests of the child(ren) to change custody. There are twelve total factors. The Judge uses these factors to determine what is in the best interests of the child(ren) by weighing each factor in favor of the Plaintiff or Defendant. All twelve factors do not have to be written about; the moving party may choose which factors to write about based upon which factors they believe apply to their situation. Write “see attached” next to Section G on the Motion Regarding Custody form (FOC 87) and write the content on a separate sheet of paper using the template as an example.
- Section (H) Check this box only if the parties have an agreement for a change in custody, support, and parenting time. Explain in detail what the parties have agreed on and write “see attached” next to Section H on the Motion Regarding Custody form (FOC 87) and write the content on a separate sheet of paper using the template as an example. If there is no agreement, skip this section.
- Section (I) Specify the request being made to the court for custody, parenting time, and support. Write “see attached” next to Section I on the Motion Regarding Custody form (FOC 87) and write the content on a separate sheet of paper using the template as an example.
- Section (J) The moving party will date and sign prior to filing with Circuit Court Records.
- Section (K) The hearing information will be written under the Notice of Hearing Section. The moving party is required to pay the \$100.00 motion fee at Circuit Court Records before requesting a hearing date. To request a hearing date, contact the Assignment Clerk. The moving party may visit their window in person at 113 Chestnut St., Allegan, MI 49010 or they may contact them via phone at (269) 686-0300 Ext. 3306.
- Section (L) The moving party must Date and sign Section L on the date they are mailing the Motion Regarding Custody (FOC 87) and Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA MC 416) forms to the other party.

NOTE: It is recommended the moving party visit the Allegan County Legal Assistance Center prior to scheduling their hearing date for review of their Motion Regarding Custody (FOC 87) and Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA MC 416) forms.

Step 3: Fill out Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA).

Before beginning to fill out the Uniform Child Custody Jurisdiction Act Affidavit (UCCJEA MC 416) make sure to know the case number and the date of the last custody order (if applicable). If this information is not known, contact the Allegan County Legal Assistance Center at (269) 686-5221 or Circuit Court Records at (269) 673-0300. Ensure that the handwriting is legible. The following numbers will match up to the numbers on the UCCJEA (MC 416) form. Please complete the form according to these instructions:

At the upper right hand corner of the Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA MC 416) print the case number under “Case NO. and Judge” which is located next to the title of the form. Ensure that the two letters at the end of the case number are also included.

There is a long rectangular box which reads “Case Name.” The case name is the Plaintiff’s name versus the Defendant’s name. Please set up this information in the following format: _____ v. _____ .

- Number (1) Print the name and present address of each minor child in the case.
- Number (2) Print the addresses where each minor child in the case has lived in the past five years.
- Number (3) Print the name(s) and present addresses of the custodians with whom the child(ren) have lived with the past five years. Custodians are typically the parents, but may be any other adult who has court ordered custody of the child(ren).
- Number (4) List any court decision, order, or proceeding that concerns the custody or parenting time of the child(ren) in this state or any other state. Specifically decisions, orders, or proceedings including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence. If this does not apply, skip this section. If this applies, print the case name, case number, court name and address, and the date of the child custody determination.
- Number (5) List any pending court proceedings or cases that could affect the current child custody proceeding. This may include a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption in this state or any other state. If this does not apply, skip this section. If this applies, print the case name, case number, court name and address, and the nature of the proceeding. Indicate whether the proceeding is continuing, has been stayed by the court, or if temporary action is necessary to protect the child(ren).

- Number (6) List any person who is not a party to the case who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren). If this does not apply, skip this section. If this applies, print the name(s) and address(es) of each person.
- Number (7) The home state of the child(ren) is the state where the child has lived for at least 6 consecutive months before the beginning of a custody proceeding. Print the home state name.
- Number (8) Check this box if the moving party believes that a party's or child's health, safety, or liberty would be put at risk if any of the information on the Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA MC 416) is disclosed. If the moving party does not believe this applies, skip this section.

NOTE: The Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA MC 416) must be notarized. To have a signature notarized, a valid non-expired Picture Identification or Non-Expired Passport is required. Visit the Allegan County Legal Assistance Center for notary services; the staff members are all notaries. The Allegan County Legal Assistance Center is located on the lower level of the Allegan Courthouse at 113 Chestnut St., Allegan, MI 49010. The Notary will ask for an identification and will recite an oath. If the moving party agrees to the oath, the moving party will sign the UCCJEA (MC 416) in the Notary's presence. The Notary will then complete the Notary section of the UCCJEA (MC 416).

Step 4: Prepare the Order Regarding Custody and Parenting Time.

Before beginning to fill out the Order Regarding Custody and Parenting Time (FOC 89) make sure to know the case number and the date of the last custody order (if applicable). If this information is not known, contact the Allegan County Legal Assistance Center at (269) 686-5221 or Circuit Court Records at (269) 673-0300. Ensure that the handwriting is legible. The following letters will match up to the letters on the Order Regarding Custody and Parenting Time (FOC 89) form. Please complete the form according to these instructions:

- Section (A) This letter is located at the upper right hand corner of the form. Print your case number in this space. Ensure that the two letters at the end of the case number are also included.
- Section (B) The Plaintiff and Defendant remain the same throughout the entirety of the court case. Complete the Plaintiff box and Defendant Box with the requested information. Provide the most current addresses and phone numbers for both the Plaintiff and Defendant.

NOTE: Do not proceed any further on this form.

Step 5: Take forms to the Allegan County Legal Assistance Center.

- Option (1) Take all forms to the Allegan County Legal Assistance Center. Staff will review the forms for any errors, make copies, and provide further instructions. Copies are \$0.25

a page. If the moving party does not want to pay the copy charge, the moving party must bring with them four total sets of copies of the Motion Regarding Custody (FOC 87), Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA MC 416), Order Regarding Custody and Parenting Time (FOC 89), and any attachments.

Option (2) If the moving party does not want to visit the Allegan County Legal Assistance Center to review forms, the moving party must first ensure that they have completed all forms to the best of their abilities and scheduled their hearing date. To request a hearing date, contact the Assignment Clerk. The moving party may visit their window in person at 113 Chestnut St., Allegan, MI 49010 or they may contact them via phone at (269) 686-0300 Ext. 3306. The moving party is required to pay the motion fee at Circuit Court Records before requesting a hearing date.

Once all forms are completed and a hearing date has been scheduled, the moving party:

- Must make four total sets of copies of each form.
- Is responsible for filing two copies of the Motion Regarding Custody (FOC 87) and Uniform Child Custody Jurisdiction Act Affidavit (UCCJEA MC 416) at Circuit Court Records.
- Must mail one set of the Motion Regarding Custody (FOC 87) and UCCJEA (MC 416) to the opposing party.
- Will keep one copy of the Motion Regarding Custody (FOC 87) and UCCJEA (MC 416).
- Is responsible for taking four sets of the Order Regarding Custody and Parenting Time (FOC 89) to the hearing.