

Instructions for Filing a Motion Regarding Change of Domicile/Legal Residence (FOC 115)

By using this form packet, you are representing yourself in a court action regarding change in domicile or legal residence. In order to receive the action you seek, you must follow the instructions in this packet. Failure to complete ALL of the required steps, may result in a delay of your case and/or the Court being unable to grant you the relief that you are requesting.

NOTE: Under the Michigan Child Support Formula, a change in domicile or legal residence may affect parenting time and the amount of child support that is ordered. The Court is required to use the Michigan Child Support Formula, unless the court finds that using the Formula would be unjust or inappropriate.

THE FRIEND OF THE COURT DOES NOT REPRESENT EITHER PARTY AND IS PROHIBITED FROM PROVIDING LEGAL ADVICE

Completing the Motion

Items A through H on the Motion Regarding Change of Domicile/Legal Residence form (FOC 115) must be completed before your motion can be filed with the Court. Please read the instruction for each item, and fill in the correct information for that item on the form. **Please print neatly. If your handwriting is not legible, the form may be rejected.**

- A. It may be helpful to have previously filed court papers available to assist you with information needed to complete this form. The case number, and party information will be listed on previous documents. If you do not know your case number, you can contact the Friend of the Court office.
- B. Enter party information just as it is listed on previous documents. For example, if your name is in the box that says "Plaintiff", then you should write your name in the "Plaintiff" box on this form. You are the moving party. Once you have written both names in the appropriate boxes, you must check the box "moving party" in the same box that your name is listed.
- C. Enter the date of the most recent order regarding custody (C1), as well as who currently has legal custody (C2).
- D. Explain why you think it is in the best interests of the child(ren) for the Court to order your request. Use a separate sheet of paper if necessary, and print your explanation clearly and neatly. You will need four (4) copies of this sheet to attach to copies of this form. If you checked the box in Item C2 that you have sole legal custody, you must explain why it is in the best interests of the child(ren) to move. If you have joint legal custody, you must explain how each of the factors listed in Michigan Compiled Laws 722.31 applies to your family situation.
- E. Provide an explanation in as much **detail** as possible as to what you are requesting the Court to order. Use a separate sheet of paper and print clearly and neatly. You will need four (4) copies of this sheet to attach to copies of this form.

- F. Check the appropriate box for what you are asking the Court to order. If necessary, use a separate sheet of paper to explain in **detail** why you are making the request. Print clearly and neatly. You will need four (4) copies of this sheet to attach to copies of this form.

Date and sign the form.

- G. *Before completing the “Notice of Hearing” portion, contact the Friend of the Court Scheduling Clerk at (989) 731-7462.* You will need to provide your name and phone number, the other party’s name and your case number. Fill in the form with the name of the Judge or Referee that will be hearing your motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

Note: All Referee Hearings will be held virtually, via Zoom. Zoom information (attached) must be included with the Notice of Hearing that is sent to the opposing party.

- H. See “Filing and Serving” Instructions below **before** dating/signing the “Certificate of Mailing” portion of the form.

Filing and Serving the Motion

1. Make three copies of the motion form and any attachments to the motion (one for you, the other party and the Friend of the Court). If there are attorneys of record or a third party/guardian, make additional copies.
2. Mail a copy of the motion with attachments to the other party and, if appropriate, attorneys of record or third party/guardian by first class mail. **The mailing date must be at least 9 business days (not including holidays) prior to the hearing date.**
3. Complete the Certificate of Mailing (H) located at the bottom of the form, by signing and writing the date that you **mailed** copies to the other party(ies)
4. File the original **and** Friend of the Court copy of the form with the County Clerk’s office located at 225 West Main Street, Gaylord, Michigan 49735. This may be done in person, or by mailing to the Clerk’s office.

Note: There will be a motion fee required at the time of filing. If there is no parenting time order already in place, the fee will be \$20.00. If there is a current parenting time order, the fee will be \$100.00. Payment may be made with credit card, cash or check or money order (made payable to Otsego County Clerk).

If you can’t afford to pay the fees, you may submit an Affidavit and Order – Suspension of Fees and Costs (Form MC 20). This form can be obtained from the Friend of the Court or County Clerk’s office. If the Affidavit is approved by the Court, your filing fee may be waived.

Contact the Friend of the Court office at (989) 731-7450 or the County Clerk’s office at (989) 731-7500 if you have any questions regarding the instructions for filing and serving your motion.

Original - Court
1st copy - Other party
2nd copy - Moving party

3rd copy - Friend of the court
4th copy - Proof of service
5th copy - Proof of service

Approved, SCAO

STATE OF MICHIGAN 46th JUDICIAL CIRCUIT Otsego COUNTY	MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE	<div style="border: 1px solid black; display: inline-block; padding: 2px;">A</div> CASE NO.
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Court Address: 800 Livingston Boulevard Ste. 1A Gaylord, MI 49735
 Court telephone no. (989)731-7450

<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> B Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party </div> <div style="display: flex; justify-content: space-between;"> Third party name, address, and telephone no. <input type="checkbox"/> moving party </div> </div>	v	<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> Defendant's name, address, and telephone no. <input type="checkbox"/> moving party </div> </div>
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- C** 1. On _____ a judgment or
Date order was entered regarding custody.
2. Legal custody is joint.
 sole with the plaintiff. defendant.

D 3. It is in the best interests of the child(ren) to permit a change in the legal residence or the domicile of the following child(ren) because: Use a separate sheet to explain in detail why it is in the best interests of the child(ren) and attach. Include all necessary facts. Name each child for whom you want this change.

E 4. I ask the court to enter an order allowing a change of domicile or legal residence. Use a separate sheet to explain in detail what you want the court to order and attach.

F I ask the court to enter an order continuing the current parenting-time order. modifying the parenting-time order as follows: Use a separate sheet to explain in detail what you want the court to order and attach.

Date Moving party's signature

NOTICE OF HEARING

G A hearing will be held on this motion before _____
Judge/Referee Bar no.
on _____ at _____ at _____
Date Time Location

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

NOTE: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC116.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this motion and notice of hearing on the parties or their attorney by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

H _____
Date Moving party's signature