

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>MOTION FOR TRANSFERRING CASE (Post judgment)</b>	<b>CASE NO.</b>
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Court address Court telephone no.

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

**MOTION**

1. I, \_\_\_\_\_ the plaintiff, \_\_\_\_\_ the defendant, \_\_\_\_\_ the court-ordered custodian, \_\_\_\_\_ request transfer of this case to \_\_\_\_\_ County.

- a. This transfer is requested on the basis of residence and for the convenience of the parties and is in the best interests of the minor child(ren).
- b. All parties have resided in counties other than the county of current jurisdiction for more than six months.
- c. \_\_\_\_\_ has resided in the county to which the transfer is requested for at least six months before the filing of this motion.  
Name of plaintiff/defendant
- d. The county to which the transfer is requested is not adjacent to the county of current jurisdiction.

2. I, the friend of the court, request transfer of this case to \_\_\_\_\_ County for the following reasons:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and title (type or print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and title (type or print)

\_\_\_\_\_  
Name and title (type or print)

**NOTICE OF HEARING**

A hearing will be held on the above motion on \_\_\_\_\_ at \_\_\_\_\_ at the above court address.  
Date Time

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).

**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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**MOTION FOR TRANSFERRING CASE (POST JUDGEMENT)  
SHIAWASSEE COUNTY FRIEND OF THE COURT  
FORM FOC 24**

**Use this Motion if:**

- You wish to transfer your case to another county in the state of Michigan

Michigan Court Rules allow for the transfer of post judgment domestic relations cases from one county in Michigan to another Michigan county when all of the following conditions are met:

1. The transfer of the action is requested on the basis of the residence and convenience of the parties, or other good cause consistent with the best interest of the minor child(ren).
2. Neither party has resided in the county of current jurisdiction for at least six (6) months prior to the filing of the motion.
3. At least one party has resided in the county to which the transfer is requested for at least six (6) months prior to the filing of the motion.
4. The county to which the case transfer is requested does not adjoin Shiawassee County. The counties that cannot be transferred to include (Clinton, Gratiot, Saginaw, Genesee, Livingston, or Ingham). The transfer of a case includes a change in venue and transfer of all Friend of the Court responsibilities.
5. The party seeking the transfer needs to complete a petition seeking the transfer. A motion form is attached. If the other party to the action will agree to the transfer, he or she can sign the motion where indicated. If both parties sign the motion form, it is then considered a stipulation, or agreement, to the transfer of the file.

If the other party does not agree, the party seeking the transfer can proceed to ask the Judge to order the transfer of the case through a court hearing.

Please also be aware that if your transfer request is granted, all fees on the Shiawassee County Friend of the Court case must be paid and there may be transfer fees due to the County Clerk in the county to which the case is transferred.

We cannot process your unsigned Motion/Stipulation for Transferring Case.

If you wish to file a motion for case transfer with the Court you will need to submit a fully completed motion to the Clerk of the Court. When you file a motion, a motion fee will be due to the clerks at the time you file your motion.

If you and the other party agree to a case transfer, you can use the Stipulation. Either way, you would need to file one of these documents with the Court Clerk in order to have your request considered by the court.

If you have any questions regarding this matter, please contact our office at (989) 743-2397. If you need legal advice about this situation, please contact an attorney of your choosing or Legal Aid.

Sincerely,

Shiawassee County Friend of the Court

## MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are included.

### **DID YOU...READ THE INSTRUCTIONS FIRST?**

1. Fill out all requested information on the Motion. YES
2. Make all the necessary copies? YES
3. Pay the Motion fee to the Circuit Court Clerk? YES
4. Mail (serve) a copy of the Motion to the other party  
(and Attorney if represented)? YES
5. Return to the Circuit Court Clerk's office after you mailed the Motion  
and completed the Certificate of Mailing? YES
6. Keep one copy of the Motion for yourself? YES
7. Give 1 copy of the completed Motion to the Circuit  
Court Clerk with the completed Certificate of Mailing? YES
8. Deliver 1 copy of the completed Motion to the  
Friend of the Court with the completed Certificate of Mailing? YES

By using this Motion packet, you are representing yourself in a Court action regarding the transfer of your case. In order to receive the action, you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps your Motion may be dismissed or the Order you get from the Court may not give you the action you want.

The Friend of the Court does NOT represent either party. The Friend of the Court is **NOT** authorized to give the parties legal advice or assist in filing of this Motion. Either party may hire an attorney during any point in the process.

# INSTRUCTIONS FOR FILING A MOTION

## FILING A MOTION

### 1. Fill out the Motion and Notice of Hearing.

**Make at least 4 copies of the Motion and all of the attachments after you have filled it out.**

### 2. File the Motion with the Circuit Court Clerk (located on the second floor of the Courthouse).

Take the original and 4 copies of the Motion and all of the attachments to the Circuit Court Clerk.

You must pay \$20.00 to the Clerk of the Court.

The Circuit Court Clerk will keep the original Motion and any attachments for the Court file and stamp “True Copy” on all other copies. You **MUST** provide the Friend of the Court with a true copy of your Motion and all attachments. Do not lose your remaining true copies of your Motion and the attachments.

What you should have when you leave the Circuit Court Clerk’s office:

- 1 Copy of the Motion (with any attachments)- for you
- 1 Copy of the Motion (with any attachments)- for the other party (and Attorney if represented)
- 1 Copy of the Motion (with any attachments)- for the Judge
- 1 Copy of the Motion (with any attachments)- for the Friend of the Court

### 3. You must ensure that the address for both parties is the last known address on file with the Friend of the Court. If you fail to provide the correct address for either party your Motion may be dismissed for lack of service.

# INSTRUCTIONS FOR SERVING A MOTION

## SERVING THE MOTION ON THE OTHER PARTY

### 1. Serve the Motion and Notice of Hearing on the other party.

**YOU MUST SERVE (NOTIFY BY ORDINARY MAIL)** the other party prior to the Friend of the Court reviewing the Motion. You may hand deliver the papers to the other party.

#### What you need for service:

- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for you
- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for the other party (and Attorney if represented)
- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for the Judge
- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for the Friend of the Court

Fill out the Certificate of Mailing (date and sign) on all copies of the Motion (with any attachments). Mail one copy to the other party (and Attorney if represented).

**NOTE:** Serve the papers by mailing them to the other party by regular, first class mail. THE DATE ON THE CERTIFICATE OF MAILING MUST BE THE DATE YOU MAILED THE MOTION AND ATTACHMENTS TO THE OTHER PARTY (AND ATTORNEY IF REPRESENTED).

### 2. Return to the Circuit Court Clerk

Once you have mailed the Motion (with any attachments) to the other party (and Attorney if represented) return to the Circuit Court Clerk's office. You will have three copies with the completed Certificate of Mailing. Give the Circuit Court Clerk one copy for the Judge. Keep 1 copy for your own records. Deliver 1 copy to the Friend of the Court. You **MUST** deliver a copy directly to the Friend of the Court office.

### 3. Response from the other party.

If you receive a response to your Motion from the other party make sure you read it.

# INSTRUCTION FOR COMPLETING “MOTION REGARDING PARENTING TIME”

**Please print neatly. After filling in the Motion, you will need to make at least 4 copies.**

Step 1 through 7 must be completed before your Motion can be filed with the Court. Please read the instructions then fill in the correct information for that item on the Motion.

1. Before you fill in the Case No., get your Court papers for divorce, separate maintenance, or paternity and copy the Case No. from those Court papers onto this Motion form.
2. Also use your Court paper to fill in the “Plaintiff” and the “Defendant” boxes. Copy the names from these court papers onto this Motion. For example, if your name is in the box that says “Plaintiff” on the original court document, then you should write your name in the “Plaintiff” box on this Motion form.

**You are the person filing the Motion therefore the task of proving why you should be granted the requested relief lies with you.**

You must ensure that the address for both parties is the address on file with the Friend of the Court and if you do not know the address you must verify the address with the Friend of the Court.

3. Check the box according to who is filing the motion and put the name of the county to which you want the case transferred.
4. Please read through items a through d. **Explain** in as much **detail** as possible what the reasons for transfer are. **If you need more space, use a separate sheet of paper. Print this information as neatly as you can.** You will need 4 copies of this sheet to attach to 4 copies of this Motion.
5. Write in today’s date and sign your name.
6. You must complete the “NOTICE OF HEARING” section of the “MOTION TRANSFERRING CASE” form. (Form FOC 24).
  - a. Before you can complete this section, you must obtain the date and time from the scheduling clerk prior to filing (Melissa Bierwirth for Judge Stewart (989-743-2298); Pamela Kimble for Judge Dignan (989-743-2213)).
  - b. Be sure to get the following information: Print or type this information in the blanks of the form.
    - Name of the Judge or Hearing Officer
    - Date the hearing is to be held
    - Time of the Hearing
    - Where the hearing is going to be held. (City, building, room, etc.)
7. Complete the “CERTIFICATE OF MAILING” section on the form.

**GO TO PAGE 3 & 4 FOR FILING AND SERVICE INSTRUCTIONS.**