

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING SUPPORT

(A) CASE NO.

Court address

Court telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

- (C)** 1. a. On _____ a judgment
Date
- or order was entered regarding support.
- b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each _____ .
week, month, etc.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each _____ .
week, month, etc.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each _____ .
week, month, etc.

(G) 5. Conditions regarding support have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(H) 6. _____ and I have agreed to support as follows:
Name
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. I ask the court to order that support be paid as follows: See 6. above for details.
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____
Date Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Judge/Referee

(K) 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 FOC 51.

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 attorneys by first-class mail addressed to the last-known addresses as defined in MCR 3.203.

(L) _____
Date Moving party's signature

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**RESPONSE TO
MOTION REGARDING SUPPORT**

(A) CASE NO.

Court address

Court telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

- (C)** 1. a. On _____ a judgment
Date
or order was entered regarding support.
- b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each _____ .
week, month, etc.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each _____ .
week, month, etc.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each _____ .
week, month, etc.

(G) 5. I agree do not agree that conditions regarding support have changed as stated in the motion.
Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet of paper if needed.

(H) 6. I agreed with the other party to start/change support:
 a. exactly as stated in the motion.
 b. but not as stated in the motion.
If b. is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

(I) 7. a. I agree with what is being asked for in the motion.
 b. I do not agree with what is being asked for in the motion and ask the court to order that support be paid as follows:
If you do not agree with the request in the motion, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed.

(J) _____
Date

Responding party's signature

CERTIFICATE OF MAILING

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

(K) _____
Date

Responding party's signature

**MOTION REGARDING CHILD SUPPORT
SHIAWASSEE COUNTY FRIEND OF THE COURT
FORM FOC 50**

Use this Motion if:

This Motion is to be used ONLY to modify a child support obligation. “Child support obligation” means the amount that you are CHARGED each week or month and NOT the total amount you PAY. The total paid may include child support, arrearages, uninsured health care costs, and/or FOC fees.

You CANNOT file this Motion to:

- Modify an alimony obligation.
- Lower or raise arrearage payments on your child support or alimony arrearages.
- Lower or raise the total amount of income withholding order (IWN).
- Obtain an order for payment of uninsured healthcare cost.
- Lower or raise a payment on uninsured healthcare cost.
- Obtain a child support abatement credit (i.e. for having child in your care).
- Change a custody or parenting time order.
- Enforce a property settlement clause in a Judgment of Divorce.

If you wish to change something other than the child support obligation, there are forms on the Friend of the Court website (www.shiawassee.net) or you may have to consult with a private attorney. If you file a Motion and it deals with something other than changing the child support obligation, the Referee will not hold a hearing on that matter.

BE AWARE THAT A REVIEW MAY RESULT IN A DETERMINATION TO ADJUST THE SUPPORT ORDER UP, DOWN OR NO CHANGE. THE REVIEW MAY ALSO RESULT IN THE OUT OF POCKET HEALTH CARE PERCENTAGE.

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 child support. 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, the order you get from the Court may not give you the support you want.

NOTE: Regardless of the amount of support you ask for, the Court is required to use the Child Support Calculator in deciding what support should be, unless the Court finds that using the Calculator would be unjust or inappropriate.

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. In preparation for the Investigation, each party is encouraged to review the MICHIGAN CHILD SUPPORT FORMULA MANUAL, which may be obtained online from the State Court Administrator's Office.

INSTRUCTIONS FOR FILING A MOTION

FILING A MOTION

1. Fill out the Motion.

Type or print neatly, using a black or blue pen. Be careful to not make mistakes. (THIS IS A COURT DOCUMENT)

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 County Clerk (located in the basement of the Courthouse).

Take the original and 5 copies of the Motion and all of the attachments to the Circuit Court Clerk.

You must pay a \$60.00 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 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 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 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).**

1. 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.

2. Response from the other party.

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

You must bring with you all of the financial documents listed on the back of the Notice or your Motion may be dismissed.

INFORMATION ABOUT ATTENDING THE HEARING

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and follow the same general rules an attorney would.
2. Make a list of information you feel is important for the Referee to know. The information should relate to the reasons stated in your Motion. You can use this list as a reminder to bring up points you feel are important.
3. Go to the Friend of the Courts office on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. **DO NOT BRING MINOR CHILDREN.**
4. Go to the Friend of the Courts office and check in. Tell the clerk your name, that you are there for a hearing, and you are representing yourself.
5. If the other party is in the room, he or she will have a chance to speak also. When the other party talks, do not interrupt the other party. After the other party speaks, you will have another chance to talk.

INSTRUCTION FOR COMPLETING “MOTION REGARDING CHILD SUPPORT”

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

Items A through I must be completed before your Motion can be filed with the Court. Please read the instruction for each of item. Then fill in the correct information for that item on the Motion.

- A. Before you fill in the Case No., get your Court papers for divorce, separate maintenance, paternity or family support and copy the Case No. from those Court papers onto this Motion form.
- B. 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.

- C. **Check only one box.** If you have a judgment or order for child support, separate maintenance, or paternity, and health insurance coverage read it carefully to find out if there is any information in it about child support. If there is information about child support, check box a. If there is no information about child support, check box b.
- D. Check these boxes only if you check box a. in **C.** above and have a request for a change in your child support order. Read your court papers for divorce, separate maintenance, paternity or family support to find out who was ordered to pay support, child care, and health care: how much; and how often. Write this information here.
- E. Check these boxes only if you check box a. in **C.** above and have a request for a change in your medical order. Read your court papers for divorce, separate maintenance, paternity or family support to find out who was ordered to pay support, child care, and health care: how much; and how often. Write this information here.
- F. Check this box only if you checked box a. in **C.** above and conditions have changed that require a change in support. Explain in as much detail as possible what has happened. **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 these sheets to attach to 4 copies of the Motion.
- G. You need to explain in as much detail as possible what you want the Court to order. **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 these sheets to attach to 4 copies of the Motion. You need to state a specific amount.
- H. Check this box if you and the other party agree about custody. Explain in as much detail as possible what you agreed to including parenting time. **If you need more space, use a separate sheet of paper. Print this information as neatly as you can.** You need to explain in as much detail as possible what you want the Court to order. You need to state a specific amount. You will need 4 copies of this sheet to attach to the copies of this Motion. Write in today’s date and sign your name.

GO TO PAGE 3 & 4 FOR FILING AND SERVING INSTRUCTIONS