

SAGINAW COUNTY FRIEND OF THE COURT
INSTRUCTIONS FOR FILING
MOTION REGARDING CUSTODY (FOC 87)

Use this Motion if: you already have a Judgment/Order or Paternity case and custody was not included or you want to change your current custody order.

Do NOT use this Motion form: to start a custody case or if you are a third party wanting custody.

By filing this motion, you are requesting a **HEARING** in front of the **Judge**- if you have an agreement regarding custody
DO NOT USE THIS FORM- use the Consent Order Request Form

FILING YOUR MOTION

- 1) Fill out the FOC 87 Motion Regarding Custody and the MC 416 Uniform Child Custody Jurisdiction Enforcement Act Affidavit (use a separate sheet and attach if you need more room to explain).
- 2) Bring, mail, or email your FOC 87 and MC 416 and four copies of your documents to the Circuit Court Clerk's Office located in the basement of the Courthouse at [111 S. Michigan Ave., Saginaw, MI 48602](#).
circuitcourtreCORDSfiling@saginawcounty.com. Please see the County Clerk's website for further electronic filing instructions. If you mail your motion, include a self-addressed stamped envelope for the Clerk to return copies to you.
- 3) You will need to pay a \$100 filing fee with this motion by check or money order. If you file electronically, a clerk will contact you for your payment information. If you cannot afford this fee, please fill out a Fee Waiver Request (Form MC 20) and file along with your motion.
- 4) The Court Clerk will keep the original and one copy and return the remaining copies to you.

SERVING YOUR MOTION

- 1) You MUST serve the Motion and form MC 416 to the other party (and attorney if represented) as soon as possible after filing your motion and at least **9 days before your hearing**. This is done by mailing the Motion, MC 416 and all attachments by first class mail to other party/attorney. If you do not have the other party's address, you can obtain it from the Circuit Court Clerk's office.
- 2) After mailing the Motion and form MC 416, complete the CERTIFICATE OF MAILING section on the bottom of the Motion.
- 3) YOU MUST FILE YOUR CERTIFICATE OF MAILING: Return to the Clerk's office to file two copies of the certificate of mailing. The court clerk will route a copy to the Friend of the Court.

PREPARING FOR YOUR HEARING

- 1) You must attend the hearing on your petition. If you do not appear, your motion will be denied and you will have to re-file your Motion. Hearings may be conducted by video conferencing (Zoom). You should receive all information on video conferencing from the Court prior to your hearing date.
- 2) If the other party responds to your petition, just read the response and be prepared to address it at your hearing.
- 3) Your hearing may result in a referral to the Friend of the Court for an evidentiary hearing before the Referee.

STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT COUNTY	UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT	CASE NO. and JUDGE
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Court address

Court telephone no.

CASE NAME:

1. The name and present address of each child (under 18) in this case is:

 2. The addresses where the child(ren) has/have lived within the last 5 years are:

 3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:

 4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except:** Specify case name and number, court name and address, and date of child custody determination, if one.

 5. I do not know of any pending proceeding that could affect the current child custody proceeding, including 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, **except:** Specify case name and number, court name and address, and nature of the proceeding.
- That proceeding is continuing. has been stayed by the court.
- Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation.
6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except:** State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is _____ . See next page for definition of "home state."

