

Circuit Judge
Ronald J Schafer
Suzanne Hoseth Kreeger
Montcalm County

**THE CIRCUIT COURT
FOR**



The Eighth Judicial

Office Of
Monica J Tissue-Daws
Friend of the Court/Referee
PO Box 305
Stanton, Michigan 48888
Phone (989) 831-7332
Fax (989) 831-7376

Circuit of Michigan

The Montcalm County Friend of the Court Office (FOC) received a request from the parties to stipulate to a change in custody, parenting time and/or domicile. By filling out this motion and using the instructions, you are representing yourself in a court action (In Pro Per) and stating that you do not have legal representation. If you already have an attorney retained (for any reason), you cannot file this motion.

INSTRUCTIONS FOR FILLING OUT MOTION:

- A. **Do not use pencil or colored ink** - other than black or dark blue. All sections must be completed correctly, or your motion will be returned to you or denied. **Please note: The Plaintiff is the person who filed the original complaint.**
- B. Complete all information as applicable **ABOVE** the Notice of Appointment/Hearing. A representative will complete the Notice of Appointment/Hearing and the Certificate of Mailing.

FILING A MOTION TO CHANGE CHILD SUPPORT:

1. Unless otherwise indigent before the motion can be filed, the filing fee **MUST** be paid in full. For pre-judgment cases, the filing fee is **\$20.00**. For post-judgment cases, the filing fee is **\$100.00**. **No cash or personal checks will be accepted.** The cashier's check or money order must be made payable to "County Clerk," not the FOC.
2. The **ORIGINAL** document and filing fees **MUST** be turned into the FOC office. The FOC will file the motion with the Clerk and send out notice of appointment/hearing to all parties.

NOTE: You **MUST** appear for the scheduled appointment/hearing. Should you fail to appear for the hearing, your motion may be dismissed, and you may be assessed up to \$100.00 in court costs and will be unable to file another motion for six (6) months.

**FRIEND OF THE COURT POLICY REGARDING AGREEMENTS
BETWEEN PARTIES TO MODIFY CUSTODY, PARENTING TIME
AND/OR CHILD SUPPORT ORDERS OF THE COURT**

The Montcalm County Friend of the Court (FOC) regrets to inform you that our office is no longer able to provide stipulated/agreement orders due to changes in the law. It is recognized that often clients can come to agreements. Therefore, it is our intent to assist clients in these situations by offering a process for approval and entry of stipulated agreements when the parties can do so. This means that the Judge will sign the order without having a hearing on it.

To obtain entry of an order that parties agree upon, you must file a motion with the Court. It will then be scheduled for an appointment and/or hearing with the FOC Office. If an appointment is scheduled, the parties will meet with a representative and an order will be drafted requiring signature from both parties. If a stipulation regarding custody and/or parenting time cannot be reached by the parties during the scheduled appointment, then a hearing **WILL NOT** commence following completion of the appointment. A motion regarding disputed custody and/or parenting time will have to be filed later.

Effective October 1, 2004, 2004 PA 205 was passed, which established fees for entry of orders involving custody, parenting time and child support. These fees apply only to post-judgment orders, including stipulations. A cost of \$40.00 is required for entry of an order regarding child support or \$80.00 for entry of an order regarding custody or parenting time. Again, these judgment fees only apply to post-judgment cases. In addition, there is a \$20.00 motion fee that must be paid as well. Therefore, the total cost for child support motions only on post-judgment cases is \$60.00 and the total cost for custody and/or parenting time motions is \$100.00. **MONEY ORDERS OR CASHIER'S CHECKS ONLY AND PAYABLE TO THE "COUNTY CLERK," NOT THE FOC. NO CASH OR PERSONAL CHECKS WILL BE ACCEPTED.** This cost will be assessed when filing a motion or a stipulated/agreement order. If the FOC representative prepares the order, the total fees above will be assessed.

If the parties are able to agree and **provide a written, stipulated order for entry at the time of the appointment and it meets legal standards and is approved,** the judgment fee will be returned. If the matter necessitates a hearing before the Referee, the judgment entry fee will be required on all post-judgment cases. The \$20.00 motion fee is mandated in either situation.

Please read the instructions on the previous page. If they are not strictly complied with, your motion will be returned, and an appointment/hearing will NOT be scheduled.

**STATE OF MICHIGAN
8TH JUDICIAL CIRCUIT
MONTCALM COUNTY**

**STIPULATED MOTION FOR
CHANGE OF CUSTODY,
PARENTING TIME AND/OR
DOMICILE**

CASE NUMBER

Friend of the Court, 629 N. State St., PO Box 305, Stanton, MI 48888

ph. (989) 831-7332 fax (989) 831-7376

Plaintiff's name, address and phone number	Defendant's name, address and phone number
Third-Party's name, address and phone number (if applicable)	

The current order dated _____ states the following as to custody and parenting time:

This is a stipulated motion to modify the current order as to the following provisions and request the following provisions be adopted by the Court. Child support will not automatically change when there is a change of custody. You must also file a stipulated or regular motion to amend child support.

CUSTODY:

The parties agree that it is in the best interests of the minor child/ren to be modified and take effect _____ as follows: _____ (Date)

REASON: _____

Name(s) and age(s) of child/ren: _____

1. Legal custody to: _____ shared by both parents _____ father _____ mother
(parents make major decisions as to the child/ren's health, education and welfare that the 8th Circuit Court expects the parties to share, except of unusual circumstances)
2. Physical custody (where the child/ren primarily live) to: _____ shared by both parents _____ father
_____ mother _____ third-party.

PARENTING TIME:

1. Parenting time for _____ father _____ mother with this custody change will be as follows:

_____ FOC guidelines will control unless other parenting time is entered below:

2. OTHER PARENTING TIME PROVISIONS – (please be specific):

CHANGE OF DOMICILE:

1. The parties agree to a change of domicile for _____ father _____ mother to the state of _____ with the minor child/ren (name(s) and age(s):_____ and this will take effect _____. Parenting time with the _____ father _____ mother will be as follows – (please be specific):

2. The parties agree that the _____ father _____ mother has permission to change the residence of the minor child/ren, which is beyond the 100-mile requirement and will take effect _____. The father/mother's new address is _____. Parenting time will be modified as follows – (please be specific):

Plaintiff	Date	Defendant	Date
------------------	-------------	------------------	-------------

NOTICE OF JOINT APPOINTMENT

An appointment is scheduled with _____

on _____ at _____ a.m./p.m.

at the Friend of the Court Office, 629 N. State St., Stanton, MI 48888.

CERTIFICATE OF MAILING

I certify on this date, I mailed/served a copy of this motion and notice of appointment to the parties by first-class mail addressed to their last-known addresses as defined by MCR 3.203.

Date

FOC Representative