

SAGINAW COUNTY FRIEND OF THE COURT
INSTRUCTIONS FOR FILING
MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE (FOC 115)

Use this Motion if: you already have a Judgment/Order or Paternity case which places restrictions on changing the minor child's domicile/legal residence and you wish to ask the Court to change these provisions (you are requesting a move out of state or over 100 miles within the state if you have joint legal custody).

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

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

FILING YOUR MOTION

- 1) Fill out the FOC 115 Motion Regarding Change of Domicile/Legal Residence (use a separate sheet and attach if you need more room to explain).
- 2) Bring, mail, or email your FOC 115 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](#), circuitcourtreportsfiling@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 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 and all attachments by first class mail to other party/attorney at their last known address. 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, 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 COUNTY	MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE	(A) CASE NO.
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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. On _____ a judgment
Date
or 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) 5. 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

A hearing will be held on this motion before _____ Judge/Referee Bar no.

(G) 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 116.

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