

SAGINAW COUNTY FRIEND OF THE COURT
INSTRUCTIONS FOR FILING
NOTICE OF HEARING AND MOTION (MC 326)

Use this Motion if: you already have a Judgment/Order or Paternity case, and you are seeking an order for anything other than custody, parenting time, domicile, or child support.

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, **DO NOT USE THIS FORM- use the Consent Order Request Form**

FILING YOUR MOTION

- 1) Fill out the MC 326 Notice of Hearing and Motion form, along with 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 or mail your MC 326 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. If you mail your motion, include a self-addressed stamped envelope for the Clerk to return your copies to you.
- 3) You will need to pay a \$100.00 filing fee with this motion by check or money order. 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 investigation or an evidentiary hearing before the Referee.