

MOTION REGARDING SUPPORT

Use this form if:

You already have a Court order for divorce, custody, separate maintenance, paternity, or family support and you want the Court to change support for the first time or change the support amount you already have.

FILING FEES and METHOD OF PAYMENT

\$60 per motion, or
\$100 for a parenting time and support motion filed together.

If filing in person, payment can be made with **cash, money order, or credit card.**

If filing by mail, the **only** method of payment accepted is a **money order** payable to **OTTAWA COUNTY CLERK.**

1. Complete required motion form all the way to the “**NOTICE OF HEARING**” section. See page 2 for additional instructions on how to complete the **MOTION REGARDING SUPPORT.**
2. Mail or take the completed form and payment for the filing fee to:

Circuit Court Records
414 Washington, Room 320
Grand Haven, MI 49417

DO NOT SEND THE FORM TO THE FRIEND OF THE COURT

Circuit Court Records will record your payment and send your form to the Circuit Court Trial Division Assignment Clerk, who will complete the “**NOTICE OF HEARING**” section. The Assignment Clerk will add the date, time and place to appear for the hearing on the notice and mail it to you and the other party. Your hearing will be scheduled within 4-6 weeks as the Court’s calendar allows.

Use the following checklist to make sure you have completed all necessary steps.

DID YOU...

- Fill out all requested information on the form? (Please attach a note to your form to let the Court know if you do not know the other party’s address or the other party’s address is confidential.)
- If filing by mail, include a money order for the filing fee? (\$60 if you are filing this motion only or \$100 if you are filing this motion and a parenting time motion at the same time).

By using this form packet, you are representing yourself in a court action regarding support. In order to be heard by the Court, you must follow these instructions. If the instructions are not followed, your motion may be delayed or dismissed.

NOTE: Regardless of the amount of support you ask for, the Court must use the **Michigan Child Support Formula** in deciding what support should be, unless the Court finds that using the formula would be unjust or inappropriate.

INSTRUCTIONS FOR COMPLETING “MOTION REGARDING SUPPORT” and INFORMATION ABOUT ATTENDING A REFEREE HEARING

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

- (A)** Fill in your Case No., which will be in the upper right hand corner of your Court papers for divorce, separate maintenance, paternity, or family support.

- (B)** Fill in the “Plaintiff” and “Defendant” boxes and if applicable, the “Third Party” box. These names will also be on your Court papers. For example, if your name is in the box that says “plaintiff,” then you should write your name in the “plaintiff” box on this motion form. You are also the “moving party.” Once you have written the names where they belong, you must check the box “moving party” in the same box as your name.

- (C)** Check only one box. If you have a Court order for divorce, custody, separate maintenance, paternity, or family support read it carefully to find out if there is any information in it about support. If there is information about support, check box a. You will find the date of the Order next to the Judge’s signature. If there is no information about support, check box b.

- (D) Through (F)** Check these boxes only if you checked box a in (C) above. 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 and how much per month is paid. Write this information here.

- (G)** 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.

- (H)** Check this box if you and the other party have agreed to start support or make changes in the support. Explain in as much detail as possible what you have agreed on. If you need more space, use a separate sheet of paper. Print this information as neatly as you can.

- (I)** You need to explain in as much detail as possible what you want the Court to order. If you checked (H) above, check the box “Same as 6. above.” Otherwise, write in the details. If you need more space, use a separate sheet of paper. Print this information as neatly as you can.

- (J)** Write in today’s date and sign your name. Now file with the Circuit Court Clerk. See instructions for filing on the first page of this packet.

Once you have filed your **MOTION REGARDING SUPPORT** you will be scheduled to attend a hearing in front of a referee. The following is information about attending that hearing.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee to know ahead of time. The information should relate to the reasons you are asking the Court to do something. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone, (a witness), to attend this hearing, follow the procedures in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the Referee's hearing room on the scheduled day and time. Dress neatly. Arrive there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the Referee hearing room, take a seat and wait until your case is called. Do not interrupt any hearing in progress.
6. When you are called, take a seat at one of the tables in front of the bench. The Referee will review your motion and ask questions.
7. Answer the Referee's questions clearly and directly.
8. If the other party is in court, he or she will have a chance to speak also. When the other party talks, you may take notes, but do not interrupt the other party. After the other party speaks, you will have another chance to talk. Use your notes to keep track of what you want to say in response.
9. At any time during the hearing, you and the other party may come to an agreement. If that happens, a written order of your agreement, called a "stipulation", will be prepared for both of you to sign while you are there. The "Stipulation" will be sent to the Judge for his signature. After he signs, a copy of the signed order will be mailed to both of you.
10. If no agreement is reached, the referee will prepare a written Recommendation or Temporary Order. The Referee has 21 days to complete the Recommended or Temporary Order. Copies are mailed to each of you when complete.

NOTE: If the Referee prepares a Recommended or Temporary Order and one or both of you do not agree with the Referee's decision, you may object **in writing within 21 days**. The objection form will be mailed to you in the same envelope as the Referee's Recommended or Temporary order. This form is also available at the Legal Self-Help Center. The deadline date for the objection will be on the form.

PLEASE NOTE: If you fail to attend the hearing, you will be unable to file an objection.

**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
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.

_____ Date Moving party's signature