

CHANGING A SUPPORT ORDER

Forms and Instructions

Revised December 2011

Carefully read and follow all of the instructions. Unless you and the other party agree to the change, a court hearing must be held before any change in support occurs. These instructions explain how to get a hearing.

If you and the other party agree to the change, schedule an appointment with your caseworker at the Friend of the Court. DO NOT FILE THIS DOCUMENT. A hearing will not be necessary.

The Friend of the Court does not represent either party at this hearing.

Please print neatly. Remember the motion is a legal document and will become a part of your court file. It must be written legibly in ink.

Before you begin completing the motion form, get your court papers to use as a guide for filling in the information correctly. Case number, judge and party names must match the Circuit Court computer. Therefore, that information must be identical to what is on your current order.

A blank Motion Regarding Support form is located at the back of this packet for your use.

- A.** Fill in your case number and judge's name.
- B.** Fill in the "Plaintiff" and "Defendant" boxes and, if applicable, the "Third Party" box. You are not necessarily the Plaintiff simply because you are filing the motion. Whether you are plaintiff or defendant depends on how the names were entered into the court computer when the case originated.

You are, however, 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, and add your phone number.

Complete mailing addresses (including city, state, and zip code) are required for all parties. If you do not write complete addresses, the clerk will refuse your document for filing.

- C.** Check only one box. If you have a judgment or order for divorce, 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. If there is no information about support, check box b.
- D-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; how much; and how often. 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 conditions have changed. If you need more space, use a separate sheet of paper. If you use a separate sheet of paper, make 3 copies of it and bring the original and 3 copies with you when you file your motion.
- 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. If you use a separate sheet of paper, make 3 copies of it and bring the original and 3 copies with you when you file your motion. It would be a good idea for the other party to file the response to motion to show the agreement was in fact made.
- I.** If you checked **H.** above, check the box “See 6. above for details” and continue down to **J.** Otherwise, explain in as much detail as possible what you want the court to order. If you need more space, use a separate sheet of paper. If you use a separate sheet of paper, make 3 copies of it and bring the original and 3 copies with you when you file your motion.
- J.** Write in today’s date and sign your name. The clerk will make 3 copies the motion form at no charge when you file the motion. However, you are required to provide the original and 3 copies of all attachments. If you do not provide copies of attachments, the clerk will charge you \$1.00 per page to make copies of attachments.
- K.** Now go to the county clerk’s office with the originals and 3 copies of each attachment (separate sheet of paper) if any. The clerk will fill in your hearing date and time and make 3 copies of the motion. **You will pay a \$60 filing fee.** The clerk will keep the original and will return 3 copies to you.

L. Completing the “CERTIFICATE OF MAILING”

There are court rules that must be followed to make sure that the other person knows about the hearing. The “Motion Regarding Support” form must be mailed at least nine (9) days before the hearing date.

Step 1: Have a friend or family member over the age of 18 (not you) mail a copy of the Motion Regarding Support with any attachments to the other party.

Step 2: After that person mails the documents, have them fill in the date they mailed it, sign their name on the blank labeled “Moving Party’s Signature”, and print their name neatly in the “Certificate of Mailing” section of the one photocopy you have left.

Step 3: Return to the Clerk’s Office with both completed photocopies. The clerk will keep one for the court’s file and true copy stamp and return the other copy to you. You must file the “Certificate of Mailing” portion of the form at least 7 days prior to the hearing date.

You are now ready to attend your referee hearing.

What happens if the copy you sent to the other party is returned to you?

The hearing cannot be held until it can be proven to the court that both parties know about the hearing. If the other person’s copy is returned to you, you must either get a current address from Friend of the Court, get a current address from another source, or serve the other party pursuant to an order under MCR 2.106.

If there are less than eight (8) days before the original hearing date, go to the clerk’s office to reschedule the original hearing date. Take your copy of the Motion Regarding Support form with you. The clerk will issue a new date and make 3 copies of the re-motion at no charge. The clerk will not make copies of attachments.

If you cannot obtain a new address, other ways of notifying the other party are listed in the Michigan Court Rules (MCR 2.106). A copy of the Michigan Court Rules may be available at your local library. The clerk’s office has the following forms available for your use: MC 303 (Motion and Verification for Alternate Service and MC 304 (Order for Alternate Service). However, there are no written instructions with the forms and the clerks are not qualified to answer questions regarding alternate service. It will be your responsibility to research the court rules on your own.

Getting Ready for Court

Listed below are some tips that may help both parties get ready for the hearing.

1. Make a list of information that you feel is important for the Referee to know.
2. Gather any papers such as pay stubs, tax returns, unemployment records, expenses for children, etc., that you think will show the Referee why or why not a change in the support order should be made.
3. Bring proof of your income. You should have your last three (3) year tax returns and information on your income.
4. If you have any information regarding the other party's income, you should bring that information to Court
5. Bring information regarding your medical, dental, and vision coverage that may also cover the child. If you have information about the health insurance of the other party, you should also bring that.
6. Bring your "True Copies" of the Motion Regarding Support with attachments and Certificate of Mailing with you.
7. **Dress appropriately and do not bring your children with you.**
8. Please allow ample time for Court delays.
9. Do not send someone to the hearing in your place. Unless you hire an attorney, you must represent yourself.

The Hearing

Listed below are some tips that may help both parties during the hearing.

1. Listen carefully to what the Referee says during the hearing.
2. If you want to tape record the hearing, you must ask the Referee before the hearing starts.
3. The Referee will listen to you but do not interrupt the Referee or the other party. Raise your hand and wait for the Referee to call on you before speaking.
4. Ask questions of the Referee if you do not understand the changes that were ordered.
5. Make sure you know and write down the following:
 - a. When the change in the order begins (date).
 - b. How much the support amounts will be for each child.
 - c. Other changes made by the Referee.

After the Hearing

The Referee hearing the matter will prepare a recommendation. A copy of that recommendation will be mailed to each party. The recommendation will become an Order of the Court unless an objection is filed within twenty-one (21) days after the recommendation is served on the parties. It would be in both parties' best interest to verify the mailing addresses on file at both the Friend of the Court as well as the Circuit Court so that when the recommendation is mailed each party will receive a copy.

To object to a recommendation, you must file a written objection and notice of hearing with the court. There will be \$20 filing fee to file the objection. The forms are available at the clerk's office for \$.50 cents per packet.

The Referee may require a Friend of the Court Investigation before setting support. If so, an order for the investigation will be prepared by the Referee. After it is signed, make 2 copies and take the original and 2 copies to the Clerk's Office for filing. You must give a true copy of the order to the other party. You and the other party should then contact the Friend of the Court to arrange an appointment.

**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

v

Defendant's name, address, and telephone no.

☐ moving party

Third party 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**(K)**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.

(L)_____
Date_____
Moving party's signature