

Motion Regarding
Change of Domicile/Legal Residence



This motion is for **A CHANGE OF DOMICILE/LEGAL RESIDENCE**. If you DO NOT already have a Friend of the Court case, please do not use this motion.

If you do not currently have a case and wish to START a case, you must hire an attorney, or call the Department of Human Services - Office of Child Support at 1-866-540-0008. After dialing this number, press 1 for English and then state that you want to start a case.

Thank you.
Friend of the Court Staff

Form FOC 115

MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE

Use this form if:

- You have a pending case for divorce, separate maintenance, family support, custody, or paternity; or
- You have a judgment of divorce or separate maintenance, a family support order, custody order, or an order of filiation that restricts you from changing the legal residence or domicile of your minor child(ren)
- And you want the court to allow a change in legal residence or domicile.

**INSTRUCTIONS FOR COMPLETING/FILING THE
MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE**

1. File the motion paperwork with the Jackson County Clerk's office located at 312 S. Jackson St, Jackson, MI 49201. You must pay a \$100.00 motion fee. If you can't afford to pay the motion fee, ask the County Clerk for an Affidavit and Order, Suspension of Fees/Costs (Form MC20) to complete. The Clerk's office will provide you with the Judge/Referee assigned to hear your motion and the date, time and the location of your motion hearing. The Clerk's office will prepare a NOTICE OF HEARING containing this information and attach it to your Motion.
2. The County Clerk's office will have you sign and date Section H (CERTIFICATE OF MAILING) in front of them. The County Clerk's office will keep the original motion form and provide you with 2 copies. One copy is for your records. **The other copy must be mailed (by First Class Mail) to the other parent at their last known address. The other party must have notice at least 9 days prior to the hearing date.** If there is a non-parent custodian or guardian, ask the Clerk for an extra copy, so you can mail them a copy.
3. The other party can file a response at the County Clerk's office in writing or by using FOC 116 Form--RESPONSE TO MOTION REGARDING CHANGE OF DOMICILE/LEGAL RESIDENCE. If you receive a response from the other party, make sure to read the response prior to your hearing date.
4. If you live more than 50 miles away from our office and wish to participate by phone for your motion hearing, then note that you require phone participation on your motion form.

NOTE: If your hearing is held in front of a FOC Referee and you do not agree with the Referee's decision, you have the right to object in the hearing room. The Referee will set a hearing date for your Motion Objection to be heard in front of the Judge assigned to your file. This hearing will be held at the Jackson County Courthouse, 312 S. Jackson St., Jackson, MI.

Instructions for completing the Motion Regarding Change of Domicile/Legal Residence
The letters below correspond to the letters on the motion form

A Fill in the CASE NO. You can get this case number from your court papers for custody, divorce, family support or paternity.

B Fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third party" box. This information is also located on your court order. Since you are completing this form, you are the "moving party". Check the box "moving party" in the same box as your name.

C **1.** Enter the date of the most recent order regarding custody. **2.** Check the box indicated whether your legal custody is joint custody with the Plaintiff/Defendant or you have sole custody.

D Using a separate sheet of paper, give a detailed explanation why you think it is in the best interest of the child(ren) to permit a change in the legal residence or the domicile. If you checked the box in (C) # 2, that you have sole legal custody, you must explain why it is in the best interest to change domicile. If you have checked the box in (C) #2, that you have joint legal custody, you must explain how each of the factors apply to your family situation. See MCL 722.31 for the factors allowing you to move. Attach a copy of your explanation to your motion. Also, list the name of each child for whom you want this change.

E Give a detailed explanation of what you are requesting the court to order. Use a separate sheet of paper. Attach a copy of your explanation to your motion.

F Give a detailed explanation if you are requesting the (Current) Parenting –Time order to continue, or you are requesting a modified Parenting-Time order. Use a separate sheet of paper. Attach a copy of your explanation to your motion. Write in today's date (date of filing) and sign your name. Take the completed form to the Jackson County Clerk's office located at 312 S. Jackson St. Jackson, MI 49201 for filing.

G The Clerk's office will provide you with a Notice of Hearing to attach to your motion. **Do not complete Letter G on the motion form.**

H The Clerk's office will have you sign and date Letter **H** stating that you will mail a copy of this form to the other party by first class mail to their last known address. After leaving the Clerk's office, immediately mail he motion and all attachments to the other party/parties. The Clerk's office will provide you with copies.

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