

**MISCELLANEOUS MOTION FORM FOR
PARTIES REPRESENTING THEMSELVES (IN PRO PER)**

When parties are not able to agree to modification of a court order a motion must be filed with the Court. A motion is a document that shows the court what the present circumstances are, what has changed, and what relief is requested. **Do not use this miscellaneous motion form for changes in child support or custody/ parenting time, opting out from Friend of the Court services, or personal protection orders** (there are separate forms available for these). Some of the issues that may be appropriate for the use of this miscellaneous motion form include but are not limited to the following:

- Providing for payment of support through income withholding if you have a direct pay order
- Requesting the Court to enter an order adopting a Friend of the Court report and recommendation
- Direct payment credits
- Abatement credits
- Re-direction of support to new custodian (e.g. guardian)
- Overpayment collection (e.g. if a support order is modified with a retroactive effect there may be an overpayment on the account. The Friend of the Court needs an order to collect this overpayment, and the order should provide for income withholding and the amount to be collected on a monthly basis)
- Reduction of income withholding for arrearage collection*
- Reinstatement of license(s)*
- Suspension of enforcement*
- Incarceration credit against State arrearage*
- Contesting a lien or asset seizure*

*Copy must be served on the Friend of the Court

Steps You Must Take to File and Represent Yourself on the Motion:

- A. Contact the Circuit Court Clerk's office at (616) 632-5480. You must obtain the name of the Judge assigned to the case and the date, time and location of the court hearing. This information is needed to fill out the paperwork below. Hearings for miscellaneous motions are typically heard on a Friday.
- B. Fill out the attached form entitled **Notice of Hearing and Motion** (form CC 326). You must provide specific information under the Motion heading that enables the Court to understand what the present circumstances are and/or what has changed, and also the specific relief you are requesting. Attach a separate sheet with additional information if necessary.
- C. Fill out the attached **Proof of Mailing** (form MC 302). Note: Use of this motion packet contemplates that you are sending a copy of the Notice of Hearing and Motion, and a copy of the Proof of Mailing, by first class mail to the other party and to the Friend of the Court (to the attention of the Staff Attorney) where applicable. You must use the last known address of the other party and be sure that it is mailed at least 9 days (the last day not falling on a holiday or a weekend day) before the hearing. If the other party has an attorney of record currently involved in the case the motion must be served on the attorney.
- D. File the original and 1 copy of the Notice of Hearing and Motion, and the Proof of Service, with the Court Clerk located on the second floor at 180 Ottawa Ave. NW, Grand Rapids, MI 49503. You must also pay a \$20.00 motion fee.
- E. You must be present at the hearing at the scheduled time, otherwise the Court will not grant the relief you filed the motion for. The hearing will be held by the assigned Judge or by a Referee (look for postings outside of the courtroom on the day of the hearing to see if the hearing was assigned to a Referee). You will need to pull the file (files are located next the Judge's or Referee's clerk's desk) and put it in line with the others. Listen carefully to what the Court orders. You must draft a written Order for the Court to sign using the attached **Order** (form CC327).

You may prepare the Order ahead of time and bring it with you to the hearing, but there is no guarantee that the Court will sign it as written. Be sure to bring three additional copies. If the Court signs the order you prepared you must give the copies to the Judge's clerk (who will be present in the courtroom next to the Judge), who will mark them as "true copies." You must then mail a true copy to the other party (or his/her attorney, if applicable), and to the Friend of the Court (see if the Judge's clerk will forward a copy to the Friend of the Court).

Important: Special instructions if the hearing is held before a Referee: You must attach a copy of the Notice of Opportunity to Object and Request a De Novo Hearing to the back of the Order if a Referee decided your motion. A copy of this document is enclosed in this packet.

- F. If the Court does not sign the order at the hearing you must draft one that states exactly what the Judge or Referee ordered using the attached Order (form CC 327). As noted above, if the case was heard by a Referee you must attach the Notice of Opportunity to Object and Request a De Novo Hearing to the back of the Order.

- G. If the Court did not sign the Order at the hearing you must file the following with the Circuit Court Clerk's office within 7 days after the hearing and also mail copies to the other party and to the Friend of the Court; also, you should include a cover letter for the Clerk with your name and address so they will be able to mail the true copies to you after the Court enters the order:
 - i. The Order along with three copies (one marked "Friend of the Court" at the top)

 - ii. A "7 day notice" form entitled Notice of Entry of Order that is provided in this packet. This notice states that the Court will enter the Order within 7 days if there is no objection filed. Be sure to sign the Proof of Mailing as well.

 - iii. Please note that if a Referee's order is entered by the Referee on the 7 day notice the order will still not be a final order until the 21 day objection period runs. This is true even if you receive a copy of the order back that has the Judge's name stamped on the signature line.

- H. For orders entered under the 7 day notice procedure described above, be sure to mail a true copy to the other party when you receive the true copies back from the Clerk's office.

Approved, SCAO

Original - Court file
1st copy - Assignment Clerk/Extra
2nd copy - Friend of the Court/Extra

3rd copy - Opposing party
4th copy - Moving party

**STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT
KENT COUNTY**

NOTICE OF HEARING AND MOTION

CASE NO.

Court address

180 Ottawa Ave, Grand Rapids, MI 49503

Court telephone no.

(616)632-5480

Plaintiff name(s)

Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant name(s)

Defendant's attorney, bar no., address, and telephone no.

NOTICE OF HEARING

1. Motion title: _____

2. Moving party: _____

3. This matter has been placed on the motion calendar for:

Judge	Bar no.	Date	Time
Hearing location <input type="checkbox"/> Court address above <input type="checkbox"/>			

4. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

MOTION

Date

Signature

STATE OF MICHIGAN JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	PROOF OF MAILING	CASE NO.
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Court address Court telephone no.
 180 Ottawa Ave, Grand Rapids, MI 49503 (616)632-5480

Plaintiff(s)	v	Defendant(s)
<input type="checkbox"/> Juvenile In the matter of _____ <input type="checkbox"/> Probate In the matter of _____		

On the date below I sent by first class mail a copy of _____

to: Names and addresses

I declare that the statements above are true to the best of my information, knowledge, and belief.

 Date

 Signature

 Name (type or print)

Approved, SCAO

Original - Court file
1st copy - Assignment Clerk/Extra
2nd copy - Friend of the Court/Extra

3rd copy - Opposing party
4th copy - Moving party

STATE OF MICHIGAN 17th JUDICIAL CIRCUIT KENT COUNTY	ORDER	CASE NO.
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Court address Court telephone no.

180 Ottawa Ave, Grand Rapids, MI 49503

Plaintiff name(s)
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant name(s)
Defendant's attorney, bar no., address, and telephone no.

1. Motion title: _____

2. Moving party: _____

3. This matter has been placed on the motion calendar for:

Judge	Bar no.	Date	Time
Hearing location <input type="checkbox"/> Court address above <input type="checkbox"/>			

IT IS ORDERED: The above named motion is

granted.
 granted in part, denied in part.
 denied.

Date

Judge

Notice of Opportunity to Object and Request a De Novo Hearing

This cause having been brought before the Court on the findings and recommended order of the Referee, and the Court being fully advised; now therefore;

It is ORDERED, that the recommended order of the Referee shall be and is hereby made the Order of this Court.

It is further ORDERED, that as this Order is being entered pursuant to the Referee's findings and recommendation, it shall be subject to review and hearing by the Court, **provided** that any party seeking said review and hearing shall, within twenty-one (21) days from the service of this Order, file with the Circuit Court Clerk's office and the Friend of the Court's office a notice of hearing, proof of service showing notice to all other parties and motion which sets forth the factual basis for relief sought.

It is further ORDERED, that this Order shall become final upon failure of any party to make a timely motion for said review and hearing before the Circuit Court.

Family Division Judge

Attest a True Copy:

Deputy Court Clerk

STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT
KENT COUNTY

**NOTICE OF ENTRY
OF ORDER**

CASE NO.

Court Address: 180 Ottawa NW, Grand Rapids, MI 49503

Plaintiff's Name & Address:

Attorney (bar no., address, telephone no.):

Defendant's Name & Address:

Attorney (bar no., address, telephone no.):

Please take NOTICE, that the enclosed proposed order will be submitted to the Court for entry if no written objections to its accuracy or completeness are filed with the court clerk within 7 days after service of this notice. **Note: The written objections must state with specificity the inaccuracy or omission, and must be served on all parties together with a notice of hearing (to have objections heard before the court) and an alternate proposed judgment or order.** This notice is given pursuant to MCR 2.602(B)(3).

Date: _____

Signature

PROOF OF MAILING

I certify that on this date I mailed a copy of this Notice and the proposed order to the other party by ordinary mail addressed to the last known address.

Date: _____

Signature