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## Instructions for Motion Regarding Support

These are step-by-step instructions to help you with your Motion Regarding Support.

### Step 1: Prepare your forms and find out how you will file

Complete the [Do-It-Yourself Motion to Change or Get Child Support](https://michiganlegalhelp.org/node/760) to prepare the forms you need. The instructions below explain which forms you need for each step and how many copies to make.

Some of the other steps may have slightly different information depending on how you will file with the court. Each court decides how it will accept documents for filing. Contact your court to find out which methods are available. Depending on your court, you may be able to file by:

* In-person filing
* E-mail
* E-filing using MiFILE
* Mailing or dropping off documents

You can find contact information for your court on the [Courts & Agencies](https://michiganlegalhelp.org/node/217) page of Michigan Legal Help.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some case types. The State Court Administrative Office keeps a [chart of courts that use e-filing](https://www.courts.michigan.gov/siteassets/mifile/mifilecourtlist.pdf). To learn more, read [What Is E-Filing?](https://michiganlegalhelp.org/node/11056).

### Step 2: Get a hearing date

**If you will be filing in person at the court**, you can either call the court before filing to get a hearing date, or wait until you are at the court. If you call ahead of time to get a hearing date, fill out the Notice of Hearing section on your Motion Regarding Support with the information you get about the hearing date, location of hearing, and name of the judge or referee who will hear the motion. If you wait until you are at the court to get a hearing date, remember to fill out the Notice of Hearing on all copies of your motion.

**If you are not filing in person** (such as filing by MiFILE, e-mail, or mail), call the court clerk's office and ask how they would like the Notice of Hearing section of your motion to be completed. They may give you a hearing date or choice of dates, or they may ask you to leave it blank for the court to assign a date later. If they give you a hearing date, fill out the Notice of Hearing section on your Motion Regarding Support with the information you get about the hearing date, location of hearing, and name of the judge or referee who will hear the motion.

### Step 3: Fill out a Fee Waiver Request, if needed

It will cost you at least $60 to file a motion regarding support. If you are unable to pay the filing fee, you can ask the court to waive it by filing a Fee Waiver Request.

If your fees have already been waived in your family case and there is no final judgment or order in your case yet, you don't have to file another Fee Waiver Request. If there is already a final order (not a temporary order) in your case, you will need a new Fee Waiver Request. You can use the [Do-It-Yourself Fee Waiver](https://michiganlegalhelp.org/node/2149) tool to prepare a Fee Waiver Request.

The clerk of the court must automatically approve your fee waiver if any of these are true:

* You receive public assistance based on having low income (examples: FAP, SNAP, Healthy Michigan, CHIP, ESO, FIP, TANF, WIC, SSI);
* You are represented by a legal services program that receives funding from the Legal Services Corporation or the Michigan State Bar Foundation; or
* You are represented by a law school clinic based on having low income.

If you do not fit into one of these three categories, a judge will review your Fee Waiver Request. The judge must waive your fees if you show that your gross household income is under 125% of the federal poverty level. If your gross household income is over 125% of the federal poverty level, but you show that paying fees would be a financial hardship for you, the judge must also waive your fees.

To learn more, read [Fee Waivers in Court Cases](https://michiganlegalhelp.org/node/2066).

### Step 4: Sign your forms

You must sign and date the Motion Regarding Support form. If you chose to sign electronically, this is already done. The electronic signature will look like this: /s/ Your Name.

If you are filing a Fee Waiver Request, also sign and date it.

### Step 5: Make copies

After you sign your documents, make copies as follows:

* Fee Waiver Request (if needed) – **3 copies**
* Motion Regarding Support and any attachments – **5 copies**

In some counties the court clerk’s office will make the copies for you. You can call the clerk’s office ahead of time to ask whether you need to make your own copies.

**If you are filing either by e-mail or using MiFILE, you will not need to make copies.**

### Step 6: File your motion with filing fee

**Please note that completing the documents on Michigan Legal Help or LawHelp Interactive does not file anything with the court.** Contact your court to find out which filing methods are available. Depending on your court, you may be able to file electronically. To learn more about filing methods that may be available, read Step 1.

File your Motion Regarding Support with the court. If you are filing in person or need contact information for the court, click on [Courts & Agencies](https://michiganlegalhelp.org/node/217) for the address and phone number of the court.

Pay the filing fee or file a Fee Waiver Request along with the Motion Regarding Support.

If you are filing in person at the court clerk's office and you did not already get a hearing date for your motion, remember to ask the clerk for a hearing date. Then fill out the Notice of Hearing section of your motion on the original and all copies. Give the clerk all the copies of your papers. The clerk will return the copies the court doesn’t need.

### Step 7: Serve the papers on the other party

You must serve (send) the other party a copy of each paper you file. If the other party has a lawyer, send the papers to the lawyer instead. This includes one copy of each of the following forms, along with any attachments that you filed:

* Motion Regarding Support
* Fee Waiver Request and the decision on your request (if you filed a Fee Waiver Request)

You must serve documents electronically if you can and if the other party has access to e-mail. If you or the other party can't do this electronically, or if you are not sure, you can serve by regular mail. If you serve by mail, send the papers to the other party’s last known address.

If you are using MiFILE to file documents electronically, your documents will be served electronically as long as the other party is also using MiFILE. If the other party is not using MiFILE, you will need to serve the documents by e-mail, if possible, or by regular mail if electronic options are not available.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some case types. The State Court Administrative Office keeps a [chart of courts that use e-filing](https://info.courts.mi.gov/hubfs/mifilecourtlist.pdf). To learn more, read What Is E-Filing?.

Service must be completed at least **9 days** before the hearing date if you mail it or at least **7 days** before the hearing date if it is personally delivered or served through MiFILE. If you are serving through e-mail, the court rule is not clear about the timeline. To be on the safe side, complete service at least 9 days before the hearing date.

If you are serving documents by e-mail, keep the following rules in mind:

All documents must be in PDF format;

The e-mail subject line must include the name of the court, case name, case number, and the title of each document being sent;

If you e-mail a document at or before 11:59 p.m., it is considered served on that day. If you send the e-mail on a Saturday, Sunday, or legal holiday, it is considered served on the next business day;

Do not delete any e-mails you send to the other party, especially e-mails that served court documents. You must keep a record of sent items until a judgment or final order is entered and all appeals have been completed.

### Step 8: File the Certificate of Mailing

**If you served the other party using MiFILE**, you will not need to file a Certificate of Mailing. MiFILE will create and file a Proof of Service for you instead.

**If you did not serve the other party using MiFILE**:

Complete the Certificate of Mailing on one copy of the Motion Regarding Support if you will be filing it electronically. If you will be filing in person or by mail, complete the Certificate of Mailing on all three remaining copies of your motion. File two copies, and keep one copy for your records.

If you served the other party electronically, cross out the part of the Certificate of Mailing that says “by first-class mail addressed to the last-known addresses as defined in MCR 3.203” and write in how you served your documents. If it is by e-mail, include the e-mail address that you used. For example, you could write “I served this document by e-mail to emailaddress@email.com.”

### Step 9: Prepare for the hearing

Depending on your answers in the Do-It-Yourself Motion to Change or Get Child Support tool, you may need to complete forms before your court hearing.

* **If you were unable to use the** [**MiChildSupport Calculator**](https://micase.state.mi.us/calculatorapp/public/welcome/load.html) to figure out the support amount you want, then the only form you got along with your motion is a Referral Order (FOC 12). You will need to bring this form with you to your hearing, but you do not need to fill anything out. The judge will fill out the order.
* **If the child support amount you are asking for was calculated using the MiChildSupport Calculator**, then you got a Uniform Child Support Order (FOC 10). You will need to fill out this form and bring it to your hearing. On the results page you got from the MiChildSupport Calculator, you will see the child support numbers. Write down these numbers in the corresponding spaces on the Uniform Child Support Order. Also print the Results page from the Calculator. Make two extra copies of the completed FOC 10 and the Results page. You will take all the copies with you to the hearing. You will need to give one copy of each form to the other party and one copy of each form to the judge.
* **If the child support amount you are asking for is different from the amount you calculated using the MiChildSupport Calculator**, you got a Uniform Child Support Order (FOC 10) AND a Child Support Order Deviation Addendum (FOC 10d). You need to fill out both of these forms and bring them to your hearing. Fill out the FOC 10 with the numbers you are asking the judge to order. For detailed information on filling out the Deviation Addendum, read the article [Changing a Child Support Order](https://michiganlegalhelp.org/resources/family/changing-child-support-order) or [Getting a Child Support Order](https://michiganlegalhelp.org/resources/family/getting-child-support-order). Make two extra copies of the completed FOC 10, the FOC 10d, and the Results page from the MiChildSupport Calculator. You will take all the copies with you to the hearing. You will need to give one copy of each form to the other party and one copy of each form to the judge.

The other party has the right to file a response to your Motion Regarding Support. If they send you a response, make sure you read it before you attend the hearing so you know what arguments the other party is likely to make in court.

### Step 10: Attend the hearing

Below are brief instructions about attending your court hearing. For more detailed instructions about going to court, read [What to Expect When You Go to Court](https://michiganlegalhelp.org/resources/going-court/what-expect-when-you-go-court).

Go to the hearing location on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes before your scheduled hearing time. Go to the clerk and tell them your name, that you are there for a hearing, and that you are representing yourself. Follow the clerk’s directions and do not interrupt any hearing in progress.

Bring to your court hearing an original plus two copies of your forms. Look back to Step 9 to identify these forms. Your forms will depend on how you answered in the Do-It-Yourself Motion to Change or Get Child Support tool.

If the other party is at the hearing, give them a copy of your forms, including your Uniform Child Support Order, Deviation Addendum (if you have one), and MiChildSupport Calculator results. **If all you have is a Referral Order to give to the judge, you will need to give a copy to the other party after the judge signs the order.**

When your case is called, go to the place you are directed. Be prepared to state:

* Your name
* That you are representing yourself
* That you need a child support order or a change in a child support order
* The facts or reasons for your request (bring papers showing your income, such as pay stubs, W-2 forms, income tax forms, child care expenses, health care expenses, etc.)

Clearly and directly answer any questions the judge or referee has.

If the other party is in court, they will also have a chance to speak. When the other party talks, take notes. Do not interrupt. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.

Your case may have one of the following outcomes:

The judge may award child support or change the support amount to the amount you requested;

The judge may award child support or change the support amount, but order a different amount than you requested;

The judge could deny your motion, and the existing support order could stay in place.

If the judge decides to award or change child support, the judge may sign your proposed order or direct you to submit an order with different numbers.

Or the judge might not make a decision at the hearing. Instead, the judge might refer the motion to the Friend of the Court (FOC) or schedule an evidentiary hearing. In some counties, you may meet with a FOC referee instead of a judge. If the FOC makes a recommendation in your case, or if a referee makes a recommended order, the judge will consider it. Either type of recommendation can become a final order in your case, but you will have a chance to object to it before that can happen.

### Step 11: File the signed Uniform Child Support Order

File the signed Uniform Child Support Order. If you are filing in person at the court clerk’s office, ask for five copies. File one copy with the clerk (this is the copy for the Friend of the Court). The clerk will return the other copies to you.

If there is a Deviation Addendum in your case, file it and ask for three copies. File one copy with the clerk (this is the copy for the Friend of the Court).

If you are filing either by e-mail or using MiFILE, you will not need to make copies.

### Step 12: Serve the signed Uniform Child Support Order on the other party

Unless the other party was served with the order at the hearing, you must serve (send) the order to the other party within 7 days after the judge signs it. If there is a Deviation Addendum in your case, also serve a copy of it. Look back to Step 7 for information on how to serve papers. If you file these documents in MiFILE, you can serve the other party through MiFILE at that time.

### Step 13: Complete and file a Certificate of Mailing

If you are going to file the Certificate of Mailing in person at the courthouse or by mail, complete the Certificate of Mailing on the three remaining copies of the Uniform Child Support Order. File two copies and keep one copy for your records. If you are going to file electronically, you only need to complete the Certificate of Mailing on one copy.

If you served the Uniform Child Support Order electronically, cross out “by first-class mail addressed to their last-known addresses as defined in MCR 3.203” and write in how you served your documents. If it is by e-mail, include the e-mail address you used. For example, you could write “I served this document by e-mail to emailaddress@email.com.”

**If you served the other party using MiFILE, you will not need to file a Certificate of Mailing. MiFILE will create and file a Proof of Service for you.**