## Instructions: How to Ask the Judge to Move with Your Children

These are step-by-step instructions to help you with your Motion Regarding Change of Domicile/Legal Residence. You can print the instructions and take them with you to use as a checklist.

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

Use the [Do-It-Yourself Motion to Change Domicile/Residence](https://michiganlegalhelp.org/resources/family/do-it-yourself-motion-change-domicile-residence) tool to prepare the following forms:

* Motion Regarding Change of Domicile/Legal Residence (with attachments); and a
* Partly completed Order Regarding Change of Domicile/Legal Residence

If you are asking the judge to change the parenting time schedule in your case, you will also get a partly completed Order Regarding Parenting Time.

The instructions below explain which forms you need for each step and how many copies to make. Some of the steps later in these instructions may have slightly different information for you 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-filing using MiFILE
* Mailing or dropping off documents
* E-mail

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://info.courts.mi.gov/hubfs/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 Change of Domicile/Legal Residence 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 Change of Domicile/Legal Residence 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: Get your court fees waived (if you qualify)

It will cost at least $20 to file your motion. If you ask to change your parenting time order, you may have to pay an extra $80 fee. 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 complete our [Do-It-Yourself Fee Waiver](https://michiganlegalhelp.org/resources/going-court/do-it-yourself-fee-waiver) 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/resources/going-court/fee-waivers-court-cases).

### Step 4: Sign your forms and make copies (if needed)

You must sign and date your Motion Regarding Change of Domicile/Legal Residence. 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, sign and date it.

After you sign your documents, make these copies if you will be filing in person at the courthouse:

* Fee Waiver Request (if needed) – **3 copies**
* Motion Regarding Change of Domicile/Legal Residence and any attachments – **5 copies**
* Proposed Order Regarding Change of Domicile/Legal Residence– **5 copies**
* Proposed Order Regarding Parenting Time (if needed) – **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 5: File your forms 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 Change of Domicile/Legal Residence 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 Change of Domicile/Legal Residence.

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 your forms and all copies. The clerk will keep the originals and one copy of each form. The clerk will return the copies the court doesn’t need.

### Step 6: Serve the papers

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 Change of Domicile/Legal Residence with attachments
* 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?](https://michiganlegalhelp.org/node/11056).

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 7: File the Certificate of Mailing

Complete the Certificate of Mailing on one copy of the Motion Regarding Change of Domicile/Legal Residence 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 parent electronically, write that in the Certificate of Mailing section by hand. For example, if you served the other parent by e-mail, write “I served this document to [party name] by e-mail to emailaddress@email.com.”

### Step 8: Attend the hearing

Below are brief instructions about attending your court hearing. For more detailed instructions about going to court, watch the [Going to Court](https://michiganlegalhelp.org/node/1521) video.

Go to the court on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes before your scheduled hearing time. Go to the courtroom 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 any document you want the court to consider when making a decision in your case, including:

* Your motion
* The proposed Order Regarding Change of Domicile/Legal Residence
* The proposed Order Regarding Parenting Time (if needed)

When you are called, go to the place you are directed. Be prepared to say:

* Your name
* That you are representing yourself
* That you want to move with your child(ren)
* The facts or reasons for your request
* Whether you have witnesses in court who are willing to testify

Clearly and directly answer any questions the judge or referee has. You will also need to give evidence relevant to the 100-mile rule factors (if applicable to your case) and the best interest of the child factors. To learn more, read [Moving with Children after Separation or Divorce](https://michiganlegalhelp.org/resources/family/moving-children-after-separation-or-divorce).

If the judge or referee wants to hear from your witnesses, you will have a chance to ask them questions.

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.

If the judge makes a decision at the hearing, they will probably sign the proposed order(s) at that time. If the other party is at the hearing, the court may give them a copy of the order. Otherwise, you will need to give or send a copy to the other party.

If your hearing is in front of a referee, they will issue a recommendation to the judge. There will be a chance for either party to object to the recommendation before it becomes a final order.

### Step 9: File the signed order(s)

File the signed order(s). If you are filing in person at the court clerk's office, also file a copy for the Friend of the Court, and ask the clerk for two copies to take with you (one for your own records, and one to serve on the other party).

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

### Step 10: Serve the other party with the order(s)

Unless the other party was served with the order(s) at the hearing, you must serve the order(s) within 7 days after the judge signs. Look back to Step 6 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 11: Complete and file the Certificate of Mailing

Complete the Certificate of Mailing on a copy of the order(s). If you served the 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, be sure to include the e-mail address you used. For example, you could write “I served this document by e-mail to emailaddress@email.com.” File this in the same way you filed your other documents. If you are filing in person or by mail, file two copies with the court and save a copy for your records.

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