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## How to Respond When Your Child’s Other Parent Asks the Judge to Move

These are step-by-step instructions to help you with your Response to 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 Response to Motion to Change Domicile/Residence](https://michiganlegalhelp.org/resources/family/do-it-yourself-motion-change-domicile-residence) tool to prepare the Response to Motion Regarding Change of Domicile/Legal Residence and any attachments you need.

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: Sign your form and make copies

Sign and date the Response to 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 will be filing in person at the court clerk's office, make five copies of the form and any attachments.

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

### Step 3: File your Response with the court clerk

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 Response to Motion Regarding Change of Domicile/Legal Residence. 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.

If you are filing in person at the court clerk's office, give the clerk the original form and all the copies. The clerk will keep the original and one copy for the [Friend of the Court](https://michiganlegalhelp.org/taxonomy/term/172). The clerk will return the other copies to you.

### Step 4: Serve the other party with the Response

You must serve (send) a copy of your Response to Motion Regarding Change of Domicile/Legal Residence to the other party. If the other party has a lawyer, send the papers to the lawyer instead.

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 5 days before the hearing date if you mail it or at least 3 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 5 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 5: File the Certificate of Mailing

Complete the Certificate of Mailing on one copy of the Response to 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 the Response. 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, be sure to include the e-mail address that 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.

### Step 6: 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.

Bring to your court hearing an original plus two copies of any document you wish the court to consider when making a decision in your case.

Go to the hearing location on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes before your scheduled hearing time. Tell the clerk 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.

When your case is called, go where you’re directed. The other party will speak first because it’s their motion. Take notes when the other party talks. Don’t interrupt them. After they speak, you will have a chance to talk. Taking notes will help you with this.

When it’s your turn to speak, be prepared to say the following things:

* Your name
* That you are representing yourself
* Whether you agree or disagree with the other party’s motion, and why
* If you have witnesses in court who are willing to testify

Clearly and directly answer any questions the judge or referee has. The evidence you give (including testimony) should be relevant to the 100-mile rule factors (if applicable to your case) and the best interest of the child factors. To learn more, read [Responding to a Motion to Change Domicile](https://michiganlegalhelp.org/resources/family/moving-children-after-separation-or-divorce).

The judge could decide to grant the other party’s motion and enter an order allowing them to move, or deny their motion. You will get a copy of the court order either at the time of the hearing or later.

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.