



Self Help Legal Resource Center

811 Port Street, St. Joseph, MI 49085 • 269.983.7111
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

FILING A MOTION TO CHANGE CHILD SUPPORT

Attention

If you need help completing these forms, you may contact the
Self-Help Legal Resource Center
at (269) 983-7111 Ext. 8790 (Ext. 6202 in Niles),
or you may visit one of the offices at:
Berrien County Courthouse, 2nd Floor
811 Port Street, St. Joseph, MI 49085
South County Courthouse
1205 N. Front Street, Niles, MI 49120

Please Note

Filing Fee for this Motion in the Family Division Clerk's Office
(4th Floor)
Will be \$20.00 if filed **before** judgment

or

Filing fee for the Motion in the Family Division Clerk's Office
(4th Floor)
Will be \$60.00 **after** Judgment (Post Judgment)



Instructions For In Pro Per Motion to Change Child Support

Self Help Legal Resource Center
811 Port Street, St. Joseph, MI 49085 • 269.983.7111
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

Before you file this motion, please read the following information and follow the instructions exactly.

The Court is required to set child support at the level recommended by the Michigan Child Support Formula, whether or not the parties agree on the amount of support, except where it would be “unjust or inappropriate” to do so. PLEASE READ THE MICHIGAN CHILD SUPPORT FORMULA MANUAL TO HELP YOU DECIDE WHETHER YOU SHOULD FILE THIS MOTION. You can get a copy of the Manual from the public library, or you can go to [//courts.michigan.gov/scao/services/focb/mcsf.htm](http://courts.michigan.gov/scao/services/focb/mcsf.htm).

WARNING

The In Pro Per motion to change support should be filed only when a change of circumstances has occurred since the last time support was modified or reviewed.

If you file this motion and the recommendation is the opposite of what you are requesting (e.g., an increase in support instead of a decrease), your support may change in a way that you do not want.

In general, a motion to change support may be successful where you can prove that your income or the other parent’s income has increased or decreased significantly since the current support amount in your case was ordered by the Court. Many motions fail because the Court does not have the authority to change support in the case or because the parent filing the motion is unable to prove the need for the change. The most common situations where a motion will be **denied** are:

1. When the only significant change in the parents’ situation since the last support order was entered by the Court is:
 - The size of the family of the parent filing the motion has increased through marriage, adoption or childbirth, or;
 - The custodial parent’s income has increased (unless such increase is very significant), or;
 - The bills of the parent filing the motion have increased (unless that parent can prove that his or her situation is extraordinary).
2. When the parent filing the motion does not come to a scheduled hearing and/or does not prove the need for the change in support.
3. When the motion asks for a change in spousal support (alimony).



PROPER PERSON MOTION INSTRUCTIONS

Self Help Legal Resource Center
811 Port Street, St. Joseph, MI 49085 • 269.983.7111
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

To file a **Motion to change child support**, you can get the required forms from the Friend of the Court, the Self Help Legal Resource Center and/or the Family Division File Room at the Courthouse in St. Joseph, or at the County Clerk's office in the South County Building, 1205 North Front Street, Niles. If you live out of Berrien County, you can request the Friend of the Court send these forms to you.

There is a fee of \$60.00 for filing and entry of the Order. If you are filing a Motion for more than one case (example: against two different people, or cases) the fee is \$60.00 per case. Checks should be made payable to Berrien County Clerk.

You will be required to mail the other party a copy of your Motion. If you would like the Clerk to mail this for you there is an additional charge of \$1.00 per case.

INSTRUCTIONS FOR FILING A MOTION/ RESPONSE IN PERSON:

1. Fill in your FULL CASE NUMBER on your Court Order in the upper right box on the MOTION form and the RESPONSE form.
2. Fill in your FULL NAME AND ADDRESS, the OTHER PARTY'S NAME AND ADDRESS in the PLAINTIFF and DEFENDANT BOXES on the MOTION and the RESPONSE forms. **The RESPONSE form is now finished, do not fill out anything else.**
3. Fill out the MOTION, answering all questions completely, DATE the Motion and SIGN your name to the Motion.
4. Give the MOTION to the FILE CLERK in the FILE ROOM and pay the filing fee. The File Clerk will get a hearing date and complete the Notice of Hearing section for you.
5. The File Clerk will give you two copies of your MOTION. You must mail one copy of your MOTION and the RESPONSE form with instructions, to the other party and one copy to the third (3rd) party. If you choose, you can pay \$1.00 to the Clerk to mail the forms to the other party. **NOTE: The Court will put YOUR RETURN ADDRESS on the envelope. It will be your responsibility to contact the F.O.C. if the forms are returned to you by the Post Office as undeliverable to the other party.**

INSTRUCTIONS FOR FILING A MOTION/RESPONSE BY MAIL:

1. If you live out of Berrien County, call the Friend of the Court Office and ask them to mail you the required forms for the type of Motion you wish to file.
2. Once you receive the forms, follow steps #1-3 above. Send all completed forms to Berrien County Courthouse Family Division File Room, 811 Port Street, St. Joseph, MI 49085. **DO NOT SEPARATE THE FORMS.** You will receive a copy back by mail, once a hearing date has been set.
3. Enclose a check or money order for **\$61.00** made payable to Berrien County Clerk for filing, entry of the Order and mailing fees. Continue with the instructions below.

AFTER FILING A MOTION:

1. Immediately fill out and return any questionnaires or other forms sent by the Friend of the Court Office. **PLEASE RETURN QUESTIONNAIRES TO FRIEND OF THE COURT OFFICE. IF YOU DO NOT RETURN THE REQUIRED INFORMATION (QUESTIONNAIRES AND PAY STUBS/TAX RETURNS), THE COURT MAY DISMISS THE MOTION.**
2. **SHOW UP AT THE HEARING!** Even if the other party agrees to your Motion, you must still be present. For support issues, the F.O.C. is required to make a support recommendation pursuant to the Michigan Child Support Guidelines. This recommendation will be given to the Court and parties at or before the hearing. This recommendation must be considered by the Court even if the parties agree to a different amount of child support.



INSTRUCTIONS FOR COMPLETING "MOTION REGARDING SUPPORT"

Self Help Legal Resource Center
811 Port Street, St. Joseph, MI 49085 • 269.983.7111
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

Please print neatly. After filling in the form, you will need to make at least five copies of the form.

Items A through K must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A) Before you fill in the Case No., get your court papers for divorce, separate maintenance, paternity, or family support and copy the Case No. from those court papers onto this form.
- (B) Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from these court papers onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this motion form. You are the "moving party." Once you have written the names where they belong, you must check the box "moving party" in the same box as your name.
- (C) Check only one box. If you have a judgment or order for divorce, separate maintenance, paternity, or family support, read it carefully to find out if there is any information in it about support. If there is information about support, check box a. If there is no information about support, check box b.
- (D) - (F) Check these boxes only if you checked box a. in (C) above. Read your court papers for divorce, separate maintenance, paternity, or family support to find out who was ordered to pay support, child care, and health care; how much; and how often. Write this information here.
- (G) Check this box only if you checked box a. in (C) above and conditions have changed that require a change in support. Explain in as much detail as possible what has happened. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- (H) Check this box if you and the other party have agreed to start support or make changes in the support. Explain in as much detail as possible what you have agreed on. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to copies of this form.
- (I) You need to explain in as much detail as possible what you want the court to order. If you checked (H) above, check the box "Same as 6. above." Otherwise, write in the details. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to copies of this form.
- (J) Write in today's date and sign your name. Now contact the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.
- (K) Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing this motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.
- Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you.
 - Read page 3 of this booklet for details on mailing this form to the other party.
- (L) On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.
- Return to the county clerk with two copies. See page 4 of this booklet for details.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION REGARDING SUPPORT	(A) CASE NO.
--	---------------------------------	---------------------

Court address Court telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

Defendant's name, address, and telephone no. moving party

v

(C) 1. a. On _____ a judgment
Date
or order was entered regarding support.
 b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each month.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each month.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each month.

(G) 5. Conditions regarding support have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(H) 6. _____ and I have agreed to support as follows:
Name
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. I ask the court to order that support be paid as follows: See 6 above for details.
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____
Date Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Judge/Referee Bar no.

(K) 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 51.

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 attorneys by first-class mail addressed to the last-known addresses as defined in MCR 3.203.

(L) _____
Date Moving party's signature



INSTRUCTIONS FOR COMPLETING "RESPONSE TO MOTION REGARDING SUPPORT"

Self Help Legal Resource Center
811 Port Street, St. Joseph, MI 49085 • 269.983.7111
1205 N. Front Street, Niles, MI 49120 • 269.684.5274 Ext. 6202

Please print neatly. After filling in the form, you will need to make at least five copies of the form.

Items A through J must be completed before your response can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A) Before you fill in the Case No., get your copy of the Motion Regarding Support (form FOC 50) and copy the Case No. from that paper onto this form.
- (B) Also use the motion form to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from the motion onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this response form. The other party is the "moving party." Once you have written the names where they belong, you must check the box "moving party" in the same box as the other party's name.
- (C) Check only one box. If you have a judgment or order for divorce, separate maintenance, paternity, or family support, read it carefully to find out if there is any information in it about support. If there is information about support, check box a. If there is no information about support, check box b.
- (D) - (F) Check these boxes only if you checked box a. in (C) above. Read your court papers for divorce, separate maintenance, paternity, or family support to find out who was ordered to pay support, how much, and how often. Write this information here.
- (G) Check this box only if (G) is checked on the Motion form (FOC 50). Then check whether you agree or do not agree with what was said in the Motion form (FOC 50). If you check the box "do not agree," explain in as much detail as possible what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to four copies of this form.
- (H) Check this box only if (H) is checked on the Motion form (FOC 50). Then check whether you agree or do not agree with what was said in the Motion form (FOC 50). If you check the box "do not agree," explain in as much detail as possible what you did agree on. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to four copies of this form.
- (I) If you agree with the request in the Motion (FOC 50), check box a. If you do not agree with the request, check box b. If you checked box b., explain in as much detail as possible why you do not agree with the request in the Motion form and what you want the court to order. If you need more space, use a separate sheet of paper. Print your explanation as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- (J) Write in today's date and sign your name.
- Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you.
- (K) On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	RESPONSE TO MOTION REGARDING SUPPORT	(A) CASE NO.
--	---	---------------------

Court address Court telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

Defendant's name, address, and telephone no. moving party

v

(C) 1. a. On _____ a judgment
Date
or order was entered regarding support.
 b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each _____ .
week, month, etc.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each _____ .
week, month, etc.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each _____ .
week, month, etc.

(G) 5. I agree do not agree that conditions regarding support have changed as stated in the motion.
Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet of paper if needed.

(H) 6. I agreed with the other party to start/change support
 a. exactly as stated in the motion.
 b. but not as stated in the motion.
If b is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

(I) 7. a. I agree with what is being asked for in the motion.
 b. I do not agree with what is being asked for in the motion and ask the court to order that support be paid as follows:
If you do not agree with the request in the motion, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed.

(J) _____
Date Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this response on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(K) _____
Date Responding party's signature