

CUSTODY FAQ SHEET

HOW DO I CHANGE MY CUSTODY ORDER?

The Friend of the Court provides a Pro Per Packet to modify custody for those cases where custody is already established.

For cases where custody is not established you may be able to file a pro per motion with Circuit Court. Consult with Friend of the Court or an attorney for your choice.

Custody may be changed/ established, on some case types, through pro per motion (there are some exceptions-refer to pro per instructions), or through Mediation at the Friend of the Court (which is free of charge) if both parties agree to mediate. Forms are available at the Friend of the Court.

IS THERE AN AGE AT WHICH MY CHILD CAN CHOOSE WITH WHOM THEY WANT TO LIVE?

No. A child's preference is only one of twelve factors that must be considered by the Court when determining the best interests of the child, and is seldom ever the controlling factor.

WHAT IS JOINT LEGAL CUSTODY?

Parents will communicate and cooperate with one another and attempt to reach mutual decisions regarding major issues affecting their children. This decision-making process includes, but is not limited to: major non-emergency medical decisions, educational decisions, and religious upbringing.

WHAT IS JOINT PHYSICAL CUSTODY?

Children live with one parent part of the time and the other parent part of the time. This time does not have to be exactly equal. The parent who has care of the children at any given time is responsible for routine decisions regarding the children.

WHAT IS PRIMARY PHYSICAL CUSTODY?

Children live primarily with one parent.

WHAT IS SOLE CUSTODY?

Children live with one parent and that parent is responsible for making major decisions regarding the children.

MY ORDER STATES THAT I CANNOT MOVE MY CHILDREN FROM THE STATE OF MICHIGAN WITHOUT APPROVAL OF THE COURT. HOW DO I GET THE COURT'S APPROVAL?

Parents may agree to a change of domicile by signing an agreement (stipulation). Once this agreement is put in the form of an order, signed by the judge and filed with the court clerk, it will become an order of the court.

If you and the other parent cannot agree upon a change of domicile, you may:

(1) File a petition of your own, or contact an attorney to help you file the Petition.

(2) You and the other parent may participate in voluntary Friend of the Court Mediation. There is no charge for this service. The forms to request voluntary mediation are available at the Friend of the Court.

Notifying the Friend of the Court or filing a petition does not allow you to move your children from the state. You must obtain a court order granting this change.

YOU DO NOT NEED PERMISSION OF THE COURT TO TAKE CHILDREN ON A VACATION OUT OF STATE UNLESS RESTRICTED IN YOUR COURT ORDER.

MY ORDER STATES THAT I CANNOT CHANGE THE LEGAL RESIDENCE OF MY CHILD, WITHOUT APPROVAL OF THE COURT. WHAT DOES LEGAL RESIDENCE MEAN AND HOW CAN I GET THE COURT'S APPROVAL?

The restriction on changing a child's legal residence means that neither parent may move more than 100 miles from the place of their residence, at the time of the commencement of the custody action. If your order states the domicile/residence cannot be moved from Michigan, you must remain in Michigan.

You can obtain a Court Order allowing you to move the child's legal residence by using the same methods described above to move the child outside of the State.

THE MICHIGAN CUSTODY GUIDELINES ARE AVAILABLE ONLINE AT:

www.courts.michigan.gov/scao/resources/publications/manuals

The purpose of this document is to provide you with general answers to frequently asked questions. It is not intended as either legal advice or to be all inclusive. Legal questions should be directed to an attorney of your choice.

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