

A MOTION TO TRANSFER YOUR CASE TO ANOTHER MICHIGAN COUNTY

Motions regarding transfer of your domestic relations case from Wayne County to another Michigan county must be heard before **the judge assigned to your case.**
This form cannot be used to transfer your case to another state.

Do Not Mail this Motion to the Friend of the Court

NOTE: These instructions have been updated to reflect the current filing options. As filing options can change, please visit the Court's website at www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings for the most up to date filing information.

This Motion must be filed at the Wayne County Clerk's Office, in the Coleman A. Young Municipal Center (CAYMC) building at Two Woodward Ave., Detroit, MI 48226. It will cost you \$20.00 to file this motion. The County Clerk's Office accept cash; debit cards; MasterCard, American Express, and Discover credit cards; and, money orders made payable to the **Wayne County Clerk.**

If you cannot afford the filing fee, you can ask the Chief Judge for an Order waiving the filing fee. Fee Waiver forms can be obtained from Room 201 (CAYMC 2nd floor) or online [here](#). You must provide a copy of your State-issued photo ID card and proof of income and/or public assistance. Requests for Fee Waivers can be submitted in person at CAYMC or online using the Domestic Case Filings system. You cannot obtain a Fee Waiver by mail. If the Chief Judge waives your filing fee, the waiver is only good the same day as it is signed. You must file your motion the same day. Instructions on the different options to obtain a Fee Waiver may be found online at www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings.

SPECIFIC INSTRUCTIONS FOR MOTION FOR TRANSFER OF YOUR POST-JUDGMENT CASE TO ANOTHER COUNTY IN MICHIGAN (NOT TO ANOTHER STATE)

You inquired about transferring your case to another county in Michigan. A Motion form is attached. Please read the instructions first. **Your situation must meet these three requirements** (as listed in Paragraph One of the motion form.)

- YES**, all parties moved out of Wayne County more than six months ago.
- YES**, one of the parties has lived in the proposed new county for at least six months.
- YES**, the proposed new county is not adjacent to (touching) WAYNE COUNTY. (You **cannot** file a motion to transfer your case to Washtenaw, Monroe, Oakland, or Macomb County).

If you can answer **YES** to **all** these requirements and you follow the instructions below, your case may be closed in Wayne County and sent to the other county. Please be aware that this is a lengthy process and may take several months to complete. Collection and payment of support will be interrupted during the transfer process.

HOW TO TRANSFER YOUR CASE BY FILING A MOTION

1. On the attached **MOTION** form, fill in the case number and both parties' full information.
2. On the form, check the "MOTION" or "STIPULATION" box and the box(es) designating who is requesting the motion. **The Plaintiff is the person who started the case in the beginning.**
3. On the form, complete the rest of the information in Paragraph One.
4. **Sign and date the MOTION form in the appropriate place.**
5. USE THE ATTACHED INFORMATION ABOUT FILING A MOTION THAT YOU MUST SCHEDULE BEFORE THE JUDGE TO WHOM YOUR CASE IS ASSIGNED.
6. You must appear at the hearing to request transfer.
7. If the transfer is granted you will need to get a money order made out to the new County's Clerk in the amount of \$150.00. If you wish to have the fees waived because you are receiving public assistance, bring proof of your assistance to your hearing.
8. If the transfer is granted and you pay the transfer fee or it is waived, you must present a proposed **Order to Transfer** with five copies (a blank order form is attached) to the court for signature. The Order to Transfer must not address any other matters. The court will keep the original, one copy and the transfer fee money order, if applicable. They will also send one copy to FOC and return the rest of the copies to you.
9. You must serve a True Copy of the signed Order to Transfer on the other party and file a Proof of Service.
10. The court will complete the process by sending the filings and the transfer fee money order of the new county's Clerk and Friend of the Court.

HOW TO FILE A MOTION TO TRANSFER YOUR CASE TO ANOTHER MICHIGAN COUNTY FOR HEARING BEFORE THE JUDGE ASSIGNED TO YOUR CASE

1. This packet contains instructions and blank forms for motion, notice of hearing, certificates of mailing, and order.
2. By using this form packet you are representing yourself in a court action. In order to receive the action you are asking for, you must follow these instructions. You may be required to conduct legal research in order to proceed. Court personnel are prohibited from providing legal advice. **If you fail to do even one of the required steps, your Motion may not be processed.**
3. All documents must be typed or written legibly using black ink, not pencil.
4. Use these instructions only if you are a party to an existing post-judgment case for custody, divorce, separate maintenance, family support, support or paternity. This process cannot be used to start a new case or to change venue for a pre-judgment case.
5. Use these instructions if you have moved away from Wayne County to another county in Michigan (but not to Oakland, Macomb, Washtenaw, or Monroe) at least six months ago and the other party to your case no longer lives in Wayne County.
6. If the other party is incarcerated, you have certain additional requirements that you must meet. Please consult MCR 2.004 or a private attorney. Indicate on your papers following the person's name that the person is incarcerated and in what facility he or she is being held.
7. A motion is a document you prepare to ask the court to change the existing order. An existing order cannot be changed except by a new order.
8. A separate motion packet must be prepared for each case. Separate cases cannot be combined in the same documents.
9. You must first determine the judge who is assigned to your case and verify your case number. You can obtain this information from the office of the Wayne County Clerk or the Friend of the Court.
10. Complete all the case information on all forms. Write your motion.
11. Remember that a motion must very specifically state what relief or modification you are requesting. It must also very specifically state why you believe the judge should rule in your favor. All relevant and necessary documentation must be attached to your motion. Some types of relief or modification have certain very specific requirements. You may need to research the law or consult an attorney.
12. Make 4 sets of copies of your motion packet.
13. File your motion in person, by mail, or online. See instructions below on how to file.

14. **Once your motion has been filed, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
15. Prepare the Notice of Hearing form. Be sure to fill in the date, time and location given to you in the ePraecipe.
16. Mail (serve) a complete Motion packet (Motion and notice of Hearing) to the other party. Make sure to include copies of any additional pages you have written in the copy packet you send to the other party. You must mail the Motion packet at least **nine (9) days** before the hearing or your motion will not be heard.
 - a. If you do not have the address of the other party, you may call the FOC Executive Office at (313) 224-6639 to obtain the address.
 - b. If the address is marked “confidential” in the Friend of the Court records, then the Friend of the Court will mail the packet to the other party. You will need to e-mail a packet to CustomerService@3rdcc.org and request that a copy be served on the other party.
17. Email a copy of your filed Motion to the assigned judge’s courtroom email box. The courtroom email boxes are listed online at www.3rdcc.org/zoom/family-division-domestic.
18. **Before the hearing date**, complete the certificate of mailing and file with the Wayne County Clerk. See instructions below on how to file.
19. Bring a copy of your packet and certificate of mailing with you to the hearing.
20. Response from other party: If you receive a response to your Motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf. You may want to make notes about what you will say in court.
21. **Go to your hearing with all documents that prove the request in your motion.** If you do not show up, or if you show up late, your motion will be dismissed.
22. After the hearing:
 - a. You are responsible for preparation of an Order for Transfer if your motion is granted. If the judge agrees, the attached form order may be completed after the hearing and presented for signature. You must prepare an original and 5 copies for the court to complete for the Friend of the Court, you and the other party.
 - b. An Order for Transfer should not address any other matters and must address transfer fee payment.
 - c. The order will not be processed until the transfer fee, payable to the Clerk of the new county, is provided to the Wayne County Clerk. Personal checks are not accepted.

- d. The court will keep the original Order for Transfer, two copies and the transfer fee, if applicable, send one copy to Friend of the Court and return copies to you.
 - e. You are responsible for mailing a True Copy of the Order to the other party after the hearing and filing a certificate of mailing.
23. The court clerk will close the circuit court case and transmit the circuit court file, with the transfer fee payment, if applicable, to the new county.
24. The Friend of the Court will close the case in Wayne County and sent the Friend of the Court file documents and certificate of arrearage to the new county.

IF YOU ARE FILING ONLINE (RECOMMENDED):

1. The electronic filing system can be found at www.3rdcc.org/agency-resources. Click on Outside Agency Web Access under Applications Access to set up an account and to access the Domestic Case Filings System. Review User Guide for Domestic Case Electronic Filers under How to Tutorials for detailed instructions on how to access the system.
2. You will receive an email once your Motion has been accepted for filing.
3. **Once you receive the email that your Motion has been accepted, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
4. Once you have submitted the ePraecipe, you will receive a completed copy back with your hearing date on it. Please note that the final hearing date may be different from what was requested on the ePraecipe, due to Court availability

IF YOU ARE FILING IN PERSON:

1. Take your original set of motion forms, your copies, and your money to pay the filing fee with you to CAYMC.
2. Take your original set of motion forms, your copies, and your filing fees (or signed Order waiving filing fees) to the Wayne County Clerk in **Room 201 (CAYMC 2nd Floor)**.
3. Put case labels (stickers) in the upper right corner of all original documents and only on pages 1 and 2 of each of your copies. Case labels are free and available in **Room 201**.
4. Give the Clerk your original motion forms. If you have a Chief Judge Order waiving your filing fees, give it to the Clerk.
5. The Clerk will keep the original forms and have you pay at the Cashier counter.

6. The Clerk will give back to you the original motion with a red file stamp on it. This proves that you filed the Motion with the Clerk's office.
7. **Once you have filed your motion, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
8. Once you have submitted the ePraecipe, you will receive a completed copy back with your hearing date on it. Please note that the final hearing date may be different from what was requested on the ePraecipe, due to Court availability.

IF YOU ARE FILING BY MAIL:

1. Mail your original forms, 3 sets of copies and a money order or certified check for the filing fees to: **Wayne County Clerk, Room 201, Coleman A. Young Municipal Center, Detroit, MI 48226.**
2. Keep copies of everything you mail to the Court.
3. Include a Self-Addressed Stamped Envelope and a letter asking the County Clerk to mail you a receipt and a copy of your motion stamped "filed."
4. Monitor the status of your filing using Odyssey Public Access at www.3rdcc.org/OPA by searching your case number or name.
5. **Once you have confirmed that your Motion has been filed, you must submit a Family Domestic ePraecipe at <https://www.3rdcc.org/efiling/epraecipe> to schedule your motion for hearing before the judge assigned to your case. If you do not, your motion will not be set for hearing.**
6. Once you have submitted the ePraecipe, you will receive a completed copy back with your hearing date on it. Please note that the final hearing date may be different from what was requested on the ePraecipe, due to Court availability.

QUESTIONS?

Call the Wayne County Friend of the Court at (844) 785-7593 or email CustomerService@3rdcc.org. Employees of the Friend of the Court or the Wayne County Circuit Court cannot give you legal advice or help prepare documents. General Court information can be found on the website: www.3rdcc.org

Failure to complete all of the above steps may result in delay or dismissal of your motion.

The Court is required by law to use the Michigan Child Support Formula to set the child support amount, unless the Court finds that application of the formula would be unjust or inappropriate.

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	MOTION/STIPULATION FOR TRANSFERRING CASE (Post-Judgment)	CASE NO. HON.
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Court Address: Two Woodward Avenue, Detroit, MI 48226

Plaintiff's name, address and phone no.

VS

Defendant's name, address and phone no.

MOTION **STIPULATION (agreement)**

1. The plaintiff, defendant, court-ordered custodian (if different), request(s) transfer of this case to: _____ County.

All of the following statements are (and must be) true.

- a. This transfer is requested on the basis of residence and for the convenience of the parties and is in the best interests of the minor child(ren) because: _____

- b. All parties have resided outside Wayne County for more than six months.
- c. _____ has resided in the county to which the transfer is requested for at least six months.
Name of party
- d. The county to which the transfer is requested does not touch WAYNE COUNTY.

- 2. We stipulate (agree) to the transfer of this case as shown by our signatures below.
- 3. I unsuccessfully requested the agreement of the other party and therefore only I have signed this motion.

I / WE declare that the statements above are true to the best of my / our information, knowledge and belief.

Signature of Plaintiff	Typed/printed name	Date
Signature of Defendant	Typed/printed name	Date
Signature of Court-Ordered Custodian (if different)	Typed/printed name	Date

<p style="text-align: center;">STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</p>	<p style="text-align: center;">NOTICE OF HEARING</p>	<p>CASE NO. HON.</p>
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TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

V

Defendant's name, address and telephone no.



A hearing will be held on this motion **BEFORE THE ASSIGNED JUDGE** as follows:

Date: _____

Time: _____

before Judge: _____

Location: _____

in the Coleman A. Young Municipal Center,
(Formerly City-County Building)
Two Woodward Avenue, Detroit, Michigan 48226



A hearing will be held on this motion **BEFORE THE ASSIGNED REFEREE** as follows:

Date: _____

Time: _____

before Referee: _____

Location: _____

in the Penobscot Building,
645 Griswold
Detroit, Michigan 48226



A hearing will be held on this motion **after screening and/or investigation**. The Friend of the Court will schedule the hearing. The Friend of the Court will send scheduling notices to both parties before the hearing.

Date

Signature

<p align="center">STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY</p>	<p align="center">CERTIFICATE OF MAILING RE: MOTION & NOTICE OF HEARING</p>	<p>CASE NO. HON.</p>
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TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

V

Defendant's name, address and telephone no.

I certify that on this date I served the other party with a copy of the attached motion and notice of hearing by ordinary mail with first-class postage fully pre-paid, addressed to the person at the address indicated on the motion.

Date

Signature

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER CHANGING VENUE AND TRANSFERRING CASE (Postjudgment)	CASE NO. and JUDGE
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Court address

Court telephone no.

Plaintiff's name and address

v

Defendant's name and address

CERTIFICATE OF ARREARAGE

1. I certify that as of _____
Date
the arrears on the records of the friend of the
court were \$ _____ .
2. This FOC has consulted with the receiving
county FOC and has determined that transfer to
the receiving county is acceptable.

Friend of the court

ORDER

3. Date of hearing: _____ Judge: _____

THE COURT FINDS that

4. There are arrearages in the amount of \$ _____ as certified above by the friend of the court.
5. All pending matters in the case have been resolved.

IT IS ORDERED:

6. Venue is changed and this case shall be transferred to _____ .

7. Before the transfer, _____ shall pay to this court all past-due
Name
fees and costs in the amount of \$ _____. The case shall not be transferred until the past-due
fees and costs are paid, and if not paid within 28 days of entry of this order, this transfer order becomes void. No
further action shall occur in this case until the past-due fees and costs are paid, unless the moving party can
demonstrate good cause and that substantial harm will occur without this court's immediate consideration.

8. a. Plaintiff Defendant Both parties equally shall pay the statutory filing fee directly to the receiving
court within 28 days of the due date provided by the receiving court. If the filing fee is not paid within 28 days of the
due date, the case must be transferred back to this court. No further action in the case shall occur in the receiving
court case until the filing fee is paid, unless the moving party can demonstrate good cause and that substantial
harm will occur without the receiving court's immediate consideration.

b. The statutory filing fee is waived because the transfer was initiated by the court or friend of the court.
 the parties are indigent.

9. The transferring office of the friend of the court and/or the Michigan State Disbursement Unit shall continue to process support payments under the current support order until it receives notice that the case has been accepted for filing by the transferee office of the friend of the court. Any payments received during this interim period shall be credited to the payer's account.

Judge signature and date

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	CERTIFICATE OF MAILING RE: ORDER	CASE NO. HON.
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COURT ADDRESS: TWO WOODWARD AVE., DETROIT, MI 48226

Plaintiff's name, address, and telephone no.

VS

Defendant's name, address and telephone no.

I certify that, on this date, I served the other party with a copy of the attached TRUE COPY of the Order which was entered on _____ by ordinary mail with first-class postage fully pre-paid, addressed to the other party to the case at the following address:

DATE

Name of person the Order was sent to: _____

Mailing Address: _____

Date

Signature