

**Mecosta County Friend the Court  
400 Elm Street  
P.O. Box 508  
Big Rapids, MI 49307  
(231) 592-0115**

## **RESPONSE TO MOTION REGARDING DOMICILE – GRP 6**

Use this form if you receive a Motion Regarding Domicile. By filing out this form you are answering the statements made in the motion.

### **MOTION MUST BE COMPLETELY FILLED OUT. TYPE OR PRINT NEATLY.**

Before you fill in the Case No., get your court papers for custody, divorce, separate maintenance or paternity and copy the Case No. from those court papers onto this form.

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.

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.

On the date that you file this response, complete the certificate of mailing on all of your copies. **File the original** with the **County Clerk**, a copy with the Friend of the Court Office, mail a copy to the other party and keep a copy for yourself.

The Response to the Motion Regarding Domicile along with copies of any separate sheets need to be mailed to the other party at least **5 weekdays** (not including holidays) before the hearing date.

By using this response you are representing yourself in this court action. You are expected to follow the same general rules as an attorney would. If you feel you need to subpoena someone to this hearing you will need to follow the procedures in the Michigan Court Rule 2.506 or consult an attorney. Bring all supporting documents, evidence and witnesses with you.

### **THE FRIEND OF THE COURT OFFICE WILL NOT REPRESENT YOU OR THE OTHER PARTY.**

Check in at the Friend of the Court office on the scheduled day and time, 10 to 15 minutes early. Dress neatly. Be prepared to spend most of the morning or afternoon in court.

After the hearing, the Friend of the Court Referee will make a Recommendation. If no Objection is filed within **21 days** of the proof of mailing, the Recommendation will become an Order of the Court.

## **CHANGE OF DOMICILE FACTORS**

The specific factors a court must consider in determining whether or not to grant a change of domicile are the following:

1. Whether the prospective move has the capacity to improve the quality of life of the both the custodial parent and the child(ren);
2. Whether the move is inspired by the custodial parent's desire to defeat or frustrate parenting time by the non-custodial parent, and whether the custodial parent is likely to comply with the substituted parenting time orders where he/she is no longer subject to the jurisdiction of the court of this state;
3. The extent to which the non-custodial parent who resists the move is motivated by the desire to secure a financial advantage in respect of a continuing support obligation; and
4. The degree to which the court is satisfied that there will be a realistic opportunity for the parenting time in lieu of the weekly pattern which can provide an adequate basis for preservation and fostering of the parental relationship with the non-custodial parent if removal is allowed.

**STATE OF MICHIGAN  
49<sup>TH</sup> JUDICIAL CIRCUIT  
MECOSTA COUNTY**

**RESPONSE TO MOTION  
REGARDING DOMICILE**

**CASE NO.**

Friend of the Court Address 400 Elm Street, P.O. Box 508, Big Rapids, MI 49307

Phone/Fax No. (231) 592-0115/0187

Plaintiff's name, address, and telephone no.	moving party
Third Party, address, and telephone no.	moving party

v

Defendant's name, address, and telephone no.	moving party
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1. On \_\_\_\_\_ a judgement was entered  
Date  
establishing domicile of the following child(ren) in  
Michigan.

Names: \_\_\_\_\_  
\_\_\_\_\_

2. The  plaintiff  defendant  third party was given custody of these child(ren), who have been living with \_\_\_\_\_ at \_\_\_\_\_ since \_\_\_\_\_.

3. I agree do not agree that circumstances 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.

4. I agree do not agree that proper cause exists 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.

5. I agreed with the other party to change the domicile and parenting time:  
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

6. 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 deny the motion.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Moving party's signature

If you require special accommodations to use the court because of a disability, please contact the court immediately to make arrangements.

**CERTIFICATE OF MAILING**

I certify that on this date I mailed a copy of this motion to the other party(ies) by ordinary mail at the above address(es).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Moving party's signature