

GUIDELINES FOR FILING A MOTION

You will need:

- A. Notice of Hearing and Motion
- B. Proof of Mailing
- C. Praecipe for Motion
- D. Fee payable at the Oakland County Clerks Office

A. 1. Prepare the Notice of Hearing and Motion

Case Number – Insert case number indicated on your court order.

Plaintiff and Defendant – Insert names in appropriate boxes.

Addresses – Insert current addresses and phone numbers under the names you provided. If you don't have the address for the other party, you can probably obtain it at the FOC.

Motion Title – Give the motion a name, for example, Motion to Change Custody.

Moving party – Identify who is filing the motion.

Provide the Judge's name. You can obtain this from the Friend of the Court.

Date and time – All motions in Circuit Court are heard on Wednesday morning at 8:30 A.M. You choose the date for the hearing.

Motion – In detail, provide the information that you want the court to consider and change and the reasons for the change. For example, if you are asking for more parenting time provide the specific days and times you would like and the reasons.

- 2. **File the Notice of Hearing and Motion** at the Oakland County Clerks Office (ground floor of the courthouse) and pay the appropriate fee.
- 3. **You must serve** a copy of this Notice of Hearing and Motion on the other party by mailing it to them at least 9 days before the motion is scheduled to be heard.

B. 1. Prepare the Praecipe for Motion and Miscellaneous Docket

Plaintiff and Defendant – Insert names

Attach bar code with case number.

Motion Date – You choose any Wednesday for the hearing.

Motion Title – Insert name of the motion

Complete either #1 or #2

Moving party – Insert name and phone number of person filing motion.

Date – Fill out the date that you are filing the motion.

- 2. **The Praecipe** can be dropped off at the clerk's office or the Case Management Office (2nd floor of the courthouse) at the same time you file your motion.

C. Proof of Mailing

Before the hearing date, complete a Proof of Mailing (which verifies that you properly served a copy of the Notice of Hearing and Motion on the other party) and file it with the County Clerks Office. Bring a copy of your packet, including the Proof of Mailing, with you to the hearing.

D. During and after the hearing

Come to court on your designated date and time. Check in with the clerk (usually located in the courtroom) assigned to the Judge.

You are responsible for preparation of an Order. You must prepare an original Order and copies for the Court to sign. You should have copies for yourself, the other party and the Friend of the Court.

You are responsible for mailing a copy of the order to the other party and for filing a Proof of Service with the court clerk, that you mailed a copy to the other party.