

GUIDELINES FOR FILING A MOTION

You will need:

- A. Notice of Hearing and Motion
- B. Certificate of Mailing
- C. Praecipe for Motion
- D. Fee

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 Show Cause.

Moving party – Identify who is filing the motion.

Provide the Judge's name – You can obtain this from 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

Use of the MiFile electronic filing system is required.

You can access the MiFile system here: <https://mifile.courts.michigan.gov/login>

Information about efiling is available here: <https://www.oakgov.com/clerkrod/court-records/Pages/efiling.aspx>

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. You may be able to serve the other party through MiFile if that person has already created an account in MiFile. If that's the case, you do not need to also serve your motion by mail.

B. Prepare the Praecipe, which allows you to have your hearing schedule on the court docket

An electronic praecipe may be found here: <https://epraecipe.oakgov.com/OaklandCounty>.

C. Certificate of Mailing

Before the hearing date, complete a Certificate of Mailing (which verifies that you properly served a copy of the Notice of Hearing and Motion on the other party) and file it. Bring a copy of your packet, including the Certificate 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 sending a copy of the order to the other party and for filing a Proof of Service that you mailed a copy to the other party.