

# HOW TO CHANGE A CUSTODY OR PARENTING TIME COURT ORDER

Michigan Department of Health and Human Services

If you believe your current custody and/or parenting time court order is not in your child's best interest for any reason, including a belief that your child is being abused or neglected, it is your responsibility to ask the court to change the court order. File a complaint with the Department of Health and Human Services, Children's Protective Services, if you believe your child is being abused or neglected. To report child abuse or neglect, call Centralized Intake at (855) 444-3911.

**Note:** A parent should not make a report of abuse or neglect for the sole purpose of gaining an advantage in a custody dispute. Making a false report of child abuse is a crime in Michigan [MCL 722.633(5)].

## Changing a Custody or Parenting Time Court Order

Parents may ask the court to change a custody or parenting time order by filing a motion with the circuit court. Parents may have an attorney file the motion for them or file the motion on their own. Parents should check with the Friend of the Court (FOC) office serving the county where their current custody or parenting time order was signed to obtain local forms and instructions.

For detailed information on Friend of the Court, go to <https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/FOC/Pages/default.aspx>.

A parent will be required to pay a fee when filing a motion unless that parent asks the court to waive the fee. To request fees be waived, a parent must complete form MC-20 (<https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/mc20.pdf>).

A parent who files a motion without an attorney is required to follow the same court rules that attorneys are required to follow. Because there are many complex issues in a custody or parenting time hearing, most people decide to have an attorney represent them. Although the FOC will provide motion forms, the FOC cannot provide a parent with an attorney or give the parent legal advice about what to say in the motion.

## Ex Parte Orders

An ex parte order is an order issued by a court in emergency situations. Either parent may file a sworn statement (affidavit) or a verified complaint with the court for an ex parte order when there is serious risk of harm to a child that could occur before a hearing is held, or before a decision is made regarding custody or parenting time. If the court grants a parent an ex parte order, the other parent will have an opportunity to object and request a hearing before a judge or referee.

Because there are many legal requirements for obtaining an ex parte order, and many courts are reluctant to enter it without substantial proof of harm. A parent may want to seek the assistance of an attorney.

## Legal Resources

Michigan Legal Help:  
<http://www.michiganlegalhelp.org>

State Bar of Michigan Lawyer Referral:  
<https://lrs.michbar.org/LRS-Info/Lawyer-Referral-Service>  
800-968-0738

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