

Cass County Friend of the Court

Law & Courts Building, 60296 M62 Suite 3

Cassopolis, Michigan 49031

Phone: (269) 445-4436

Fax: (269) 445-4435

INSTRUCTIONS FOR STIPULATION TO CHANGE LEGAL RESIDENCE AND/OR DOMICILE

These forms are to be used to ask the Circuit Court to establish or change orders about children's legal residence or domicile. Carefully read all instructions before starting to fill out the forms. Complete the Stipulation form by following the instructions in the order they are listed. Please type or print clearly on all forms.

Using this packet of forms will lead to changes in the court order in your case. If you disagree with those changes after the new order goes into effect, you will have to obey the terms of the new court order unless and until they are changed again by future court orders. You will have full responsibility for changes that may occur in your case as a result of your actions. If changes do not occur as you wanted, you will still be bound by the resulting orders of the Court, and may have to petition the Court again to correct problems.

IF YOU DO NOT UNDERSTAND THE TERMS OF A STIPULATION, OR DISAGREE WITH ANY PART OF IT, YOU SHOULD NOT SIGN IT, AS YOU WILL BE REQUIRED TO FOLLOW ITS PROVISIONS. IF YOU HAVE ANY QUESTIONS ABOUT THE STIPULATION, YOU SHOULD CONSULT AN ATTORNEY BEFORE AGREEING TO IT.

COMPLETING YOUR STIPULATION

Using the other court papers from your case with the other parent:

- (A) Locate the Case Number (sometimes called File # or Docket #) and put it in the Stipulation and Order forms in area (A).
- (B) Look to see who is the PLAINTIFF and who is the DEFENDANT. Copy the names where the forms are labeled (B). Below the names, insert the current address for each person below his or her name. If known, insert the phone numbers for the Plaintiff and the Defendant after each address.
- (C) List the names and dates of birth of the children for whom the parties agree to a change of legal residence or domicile.
- (D) To change "legal residence" means to change the place where a child lives by 100 miles or more, but still within the state of Michigan. If you are agreeing to change the "legal residence" of the children, mark the first box indicating that you agree to the

move. Then mark the box indicating which parent (plaintiff or defendant) has permission to move the children, and fill in the space indicating to where the move will be.

- (E) To change “domicile” means to change the state in which a child lives. If you are agreeing to change the “domicile” of the children, mark the first box indicating that you agree to the move. Then mark the box indicating which parent (plaintiff or defendant) has permission to move the children, and fill in the space indicating to where the move will be.
- (F) In the space at the end of the first line at (F), write in the date of the most recent parenting time (visitation) order. If the parenting time order will be unchanged, mark the box indicating it will remain the same and you are done with (F). If the parenting time order will be changed, mark the box indicating that you agree to a change, mark the box indicating which parent (plaintiff or defendant) will have parenting time, and in the space provided write in what that parenting time will be.
- (G) An issue that arises when parents move farther apart is who will be responsible for the cost of transporting the children for parenting time. Mark the box indicating what you agree to do. If you mark “other”, in the space, explain specifically what agreement you have reached about transportation costs and arrangements. Some common arrangements involve the parents meeting at a point between the two homes to transfer the children, or having the parent exercising parenting time pick up the children at the beginning of the parenting time period and the parent with primary physical custody picking up the children at the end of the parenting time. In some situations, one parent provides all the transportation. There are a wide variety of options available to you to fit what works best in your case.

The sections INALIENABLE RIGHTS OF EACH CHILD, NOTICE REQUIREMENTS, and UNAUTHORIZED CHANGES OF RESIDENCE/DOMICILE ARE PROHIBITED are required provisions and the FOC will not approve or process a stipulation without them.

Both parties must sign and date the stipulation before the FOC will process it.

FILING YOUR STIPULATION

- Bring the original Stipulation to the office of the Friend of the Court (FOC) at the Law and Court’s Building. You may do this in person or by mail to Cass County Friend of the Court, Law and Courts Building 60296 M-62 Suite 3, Cassopolis Michigan 49031.
- The FOC staff will review your Stipulation. If it is clear and complete, the FOC will prepare a proposed order adopting your Stipulation and submit it to the referee for approval. If the referee approves it, an order will be entered adopting your Stipulation. The original of the order will be filed with the Court Clerk, a copy will go to the FOC file, and a copy will be mailed to each parent.
- If your Stipulation is not clear and complete, it will be returned to you with comments for clarification and completion.

State of Michigan
43rd Judicial Circuit
Cass County

**Stipulation to
Change Legal Residence/Domicile (A)**

Law & Courts Building, Room 3, 60296 M 62, Cassopolis, MI 49031

(269) 445-4436

(B) Plaintiff's name, address and phone:

Defendant's name, address and phone:

(C) MINOR CHILDREN

This stipulation applies to the minor children whose names and birthdates are listed below:

1. _____ DOB: _____
2. _____ DOB: _____
3. _____ DOB: _____
4. _____ DOB: _____
5. _____ DOB: _____

(Add an additional sheet if there are more than 5 minor children involved)

(D) LEGAL RESIDENCE

We agree that the plaintiff defendant may move the legal residence of the child(ren) from their current residence to _____.

(E) DOMICILE

We agree that the plaintiff defendant may move the domicile of the child(ren) from the State of Michigan to the State of _____.

(F) PARENTING TIME

The current parenting time order is dated _____.

We agree the current parenting time order shall be modified to provide that
 plaintiff defendant shall have parenting time with the minor child(ren) as follows:

Parenting time shall not be exercised in a country that is not a party to the Hague convention on the civil aspects of international child abduction; however, this prohibition

does not apply with both parents' written consent.

(G) TRANSPORTATION

We agree the cost of transportation for parenting time shall be paid:

- by the plaintiff.
- by the defendant.
- equally by the plaintiff and defendant.
- other described as follows:

We understand that the following paragraphs are required by state law or by Cass County practice and agree to be bound by them.

INALIENABLE RIGHTS OF EACH CHILD

The parties shall cooperate to the maximum degree with respect to each child so as to advance the child's health, education and physical well being, and to allow the child the affection of both parties, and a sense of security.

Neither party will, directly or indirectly, influence a child so as to prejudice the child against the other party. The parties will endeavor to guide the child to promote an affectionate relationship between the child and their other parent.

The parties will cooperate with each other in carrying out the provisions of this order towards the child's best interests.

Neither party shall do anything that may estrange the other party's relationship with the child or injure the child's opinion of the other party. Neither party shall hamper the development of an otherwise natural parent/child relationship between the child and the other party.

NOTICE REQUIREMENTS

Each party shall immediately notify the FOC in writing within twenty-one (21) days of any change in

- a) his or her mailing and/or residential address,
- b) the name(s), address(es) and phone number(s) of current source(s) of income,
- c) healthcare coverage and expenses as ordered hereinabove,

The physical custodian of a minor child shall promptly notify the Cass County Friend of the Court in writing whenever the child(ren) is(are) moved to any new address.

Each party shall immediately notify the FOC in writing of any occupational and/or driver's licenses held, or subsequent changes, additions, or losses of occupational or driver's licenses. Notification shall include, but not be limited to, the type of license, the issuing State and/or governing body, the address of the issuing office, the dates of validity, and the license number if any.

UNAUTHORIZED CHANGES OF RESIDENCE/DOMICILE ARE PROHIBITED.

The physical custodial parent shall not change a legal residence of any child whose joint legal custody has been ordered by this Court, to a location that is more than one hundred (100) miles from the child's

legal residence at the time the joint legal custody order is issued, unless the parties were already living 100 or more miles apart at the time this Court's joint legal custody order was entered.

The physical custodial parent shall not remove the child's residence one hundred (100) or more miles without prior approval of this Court, or the legally sufficient stipulation of the parties, with the approval of the Court having been entered.

STATEMENT OF AGREEMENT

We agree to entry of an order for the matters contained in this Stipulation to Change Legal Residence/Domicile, and confirm that entry of an Order Allowing Change of Legal Residence/Domicile will best meet the needs and interests of our minor children, over and above all other competing needs and interests.

The parties therefore request the Court enter an order reflecting the agreements contained in this stipulation.

Date

Plaintiff's Signature

Date

Defendant's Signature

Approved:

Date

Cass County Friend of the Court