$1.00

Motion to Transfer Case

When to Use:	• You have a domestic relations judgment in Ottawa County; **and** • Both parties moved away from Ottawa County at least 6 months ago; **and** • You are requesting your case be transferred to a county **other than** Muskegon, Kent or Allegan. • At least one party has resided in that county for at least 6 months.
Required Forms:	**FOC 24** – Motion/Stipulation for Transferring Case **FOC 25** – Order Changing Venue and Transferring Case
Optional Forms:	**MC 20** – Fee Waiver Request
Forms Website:	www.courts.mi.gov
Filing Website:	https://mifile.courts.michigan.gov
Filing Type:	Motion
Filing Fees:	$20
Method of Payment:	Credit Card
Copies:	Original, plus 1 copy if the other party does not have a MiFILE account.
Notes:	See attached court rule. A **motion** is a formal request for a judge to enter a particular order. A **stipulation** is an agreement between the parties.
Instructions:	1. Complete the Motion for Transferring Case. Make sure to enter your case number and court information (see below). 2. Sign and date your motion. 3. File your paperwork electronically. The clerk's office will add the date of you hearing on the motion. Check the 'Filed stamped copy' of your motion in MiFILE for your hearing date. 4. If you are unable to serve the other party electronically, print a copy of the motion with the hearing date and mail it to the other party via first class mail.
Court Information:	20th Judicial Circuit - Ottawa County 414 Washington, Room 320, Grand Haven, MI, 49417 **OR** 12240 Fillmore St, Room 50, West Olive, MI 49460 616-846-8315
Case Information:	Your case number is: _____ You are the ☐ plaintiff ☐ defendant.

Post Judgment Transfer of Domestic Relations Cases

Rule 3.212

(A) Motion.

(1) A party, court-ordered custodian, or friend of the court may move for the postjudgment transfer of a domestic relations action in accordance with this rule, or the court may transfer such an action on its own motion. A transfer includes a change of venue and a transfer of all friend of the court responsibilities. The court may enter a consent order transferring a postjudgment domestic relations action, provided the conditions under subrule (B) are met.

(2) The postjudgment transfer of an action initiated pursuant to MCL 780.151 et seq., is controlled by MCR 3.214.

(B) Conditions.

(1) A motion filed by a party or court-ordered custodian may be granted only if all of the following conditions are met:

(a) the transfer of the action is requested on the basis of the residence and convenience of the parties, or other good cause consistent with the best interests of the child;

(b) neither party nor the court-ordered custodian has resided in the county of current jurisdiction for at least 6 months prior to the filing of the motion;

(c) at least one party or the court-ordered custodian has resided in the county to which the transfer is requested for at least 6 months prior to the filing of the motion; and

(d) the county to which the transfer is requested is not contiguous to the county of current jurisdiction.

(2) When the court or the friend of the court initiates a transfer, the conditions stated in subrule (B)(1) do not apply.

(C) Unless the court orders otherwise for good cause, if a friend of the court becomes aware of a more recent final judgment involving the same parties issued in a different county, the friend of the court must initiate a transfer of the older case to the county in which the new judgment was entered if neither of the parents, any of their children who are affected by the judgment in the older case, nor another party resides in the county in which the older case was filed.

(D) Transfer Order.

(1) The court ordering a postjudgment transfer must enter all necessary orders pertaining to the certification and transfer of the action. The transferring court must send to the receiving court all court files and friend of the court files, ledgers, records, and documents that pertain to the action. Such materials may be used in the receiving jurisdiction in the same manner as in the transferring jurisdiction.

(2) The court may order that any past-due fees and costs be paid to the transferring friend of the court office at the time of transfer.

(3) The court may order that one or both of the parties or the court-ordered custodian pay the cost of the transfer.

(E) Filing Fee. An order transferring a case under this rule must provide that the party who moved for the transfer pay the statutory filing fee applicable to the court to which the action is transferred, except where MCR 2.002 applies. If the parties stipulate to the transfer of a case, they must share equally the cost of transfer unless the court orders otherwise. In either event, the transferring court must submit the filing fee to the court to which the action is transferred, at the time of transfer. If the court or the friend of the court initiates the transfer, the statutory filing fee is waived.

(F) Physical Transfer of Files. Court and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by another secure method of transfer.

(G) Upon completion of the transfer, the transferee friend of the court must review the case and determine whether the case contains orders specific to the transferring court or county. The friend of the court must take such action as is necessary, which may include obtaining ex parte orders to transfer court- or county-specific actions to the transferee court.

STATE OF MICHIGAN 20TH JUDICIAL CIRCUIT OTTAWA COUNTY	MOTION/STIPULATION FOR TRANSFERRING CASE (Postjudgment)	CASE NO. and JUDGE

Court address
12240 Fillmore St, Rm 50, West Olive, MI 49460

Court telephone no.
616-846-8315

Plaintiff's name, address, and telephone no.	v	Defendant's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.		Defendant's attorney, bar no., address, and telephone no.

☐ **MOTION** ☐ **STIPULATION**

☐ 1. I, ☐ the plaintiff, ☐ the defendant, ☐ the court-ordered custodian, request transfer of this case to

_____ County.

a. This transfer is requested on the basis of residence and for the convenience of the parties, or is in the best interests of the minor child(ren).
b. All parties have resided in counties other than the county of current jurisdiction for more than six months.
c. _____ has resided in the county to which the transfer is
Name of plaintiff/defendant/court-ordered custodian
requested for at least six months before the filing of this motion.
d. The county to which the transfer is requested is not adjacent to the county of current jurisdiction.

☐ We stipulate to the transfer of this case.

☐ 2. I, the friend of the court, request transfer of this case to _____ County for the following reasons:

_____ Date

_____ Signature

_____ Name and title (type or print)

_____ Signature

_____ Name and title (type or print)

_____ Signature

_____ Name and title (type or print)

Distribute form to:
Originating court
Receiving court
Originating friend of the court
Receiving friend of the court
Plaintiff
Defendant

NOTICE OF HEARING

A hearing will be held on the above motion on _____ at the above court address
Date and time

before _____ .
Judge

If you require accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

CERTIFICATE OF MAILING

I served a copy of this motion and notice and hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203. I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

_____ _____
Date Signature

Approved, SCAO

Original - Originating court
1st copy - Receiving court
2nd copy - Friend of the court

3rd copy - Plaintiff
4th copy - Defendant

STATE OF MICHIGAN 20TH JUDICIAL CIRCUIT OTTAWA COUNTY	ORDER CHANGING VENUE AND TRANSFERRING CASE (Post Judgment)	CASE NO.

Court address

12240 Fillmore St, Rm 50, West Olive, MI 49460

Court telephone no.

(616) 846-8315

Plaintiff's name and address

v

Defendant's name and address

CERTIFICATE OF ARREARAGE

1. I certify that as of _____ (Date) the arrears on the records of the friend of the court were $ _____ .

_____
Friend of the court

ORDER

2. Date of hearing: _____ Judge: _____ (Bar no.)

3. **THE COURT FINDS** that there are arrearages in the amount of $ _____ as certified above by the friend of the court.

IT IS ORDERED:

4. Venue is changed and this case shall be transferred to _____

by _____ (Date) .

☐ 5. Before the date of transfer _____ (Name) shall pay to the court of current jurisdiction all past due fees and costs in the amount of $ _____ .

6. ☐ a. ☐ Plaintiff ☐ Defendant ☐ Both parties equally shall pay the statutory filing fee to the court of current jurisdiction before the date of transfer. The court of current jurisdiction shall submit the filing fee to the court to which the case is transferred. The case shall not be transferred until the fee is paid.

☐ b. The statutory filing fee is waived because ☐ the transfer was initiated by the court or friend of the court. ☐ the parties are indigent.

☐ 7. The transferring office of the friend of the court and/or the Michigan State Disbursement Unit shall continue to process support payments under the current support order until it receives notice that the case has been accepted for filing by the transferee office of the friend of the court. Any payments received during this interim period shall be credited to the payer's account.

_____ Date

_____ Judge