

## **DIVORCES WITH MINOR CHILDREN “DM”**

1. **The new case is filed in Circuit and Family Court Records, 280 Washington St., Ste. 206  
Traverse City, MI 49684 922-4710**
- **Plaintiff pays \$175.00 filing fee and \$80.00 FOC fee (total of \$255.00) – *cash, check or money order only***
- **Plaintiff files:**  
Original Complaint for Divorce with 2 copies  
Original Summons (2 pages) with 3 copies  
Original Uniform Child Custody Affidavit (UCC Affidavit) with 2 copies  
Original Verified Statement with 3 copies (original will be given to Friend of the Court)  
Record of Divorce

### **2. Once papers have been filed:**

**Plaintiff arranges with a third party for Service on the Defendant** before the summons expires.

1. Personal service by any adult who is not a party.

**OR**

2. Certified Mail by any adult who is not a party. That person must send it restricted to delivery of only the defendant who must sign for the delivery.

**\*\*\*\*After these court papers are served, service of all other papers can be done by you by either first class mail or personal service. \*\*\*\***

3. **The third copy of the Summons is used to prove to the Court that the Defendant has been served. Plaintiff is responsible for making sure this is completed by the process server and filed with the Court before the summons expiration date.** Note that the person who serves the defendant must have his or her signature notarized unless they are an officer of the court.

If you fail to file proof of service with Circuit Court Records before the summons expires, a Non-Service Dismissal will be filed by the Clerk and the case will be dismissed.

6. **Defendant has the option of filing a written answer either 21 or 28 days after service of the complaint.**
7. **If no written answer is filed as listed above, Plaintiff can file Affidavit of Default and Notice of Default.** Plaintiff is responsible for serving the Defendant the default by hand-delivery or first class mail & filing a Proof of Service.
4. **Plaintiff will be mailed “Notice of Hearing” by Court Administrator’s Office.**
5. **Plaintiff is responsible for serving a copy of the “Notice of Hearing” on the Defendant by hand-delivery or first class mail and filing Proof of Service with Circuit Court Records**

### **About 4 weeks prior to the final hearing:**

**Plaintiff submits completed Judgment of Divorce and Uniform Support Order to Friend of the Court for approval.** If Defendant had answered or objected to the complaint, Defendant must have his/her notarized signature on the Judgment of Divorce and/or appear at the hearing.

**If the Defendant was defaulted,** Plaintiff is required to mail him/her a copy of the approved Default Judgment of Divorce no later than 14 days prior to the Final Hearing. You must submit a Proof of Service that you have done so or your final hearing may be cancelled.

If you have not already done so, provide the Friend of the Court with the completed FOC 100 (Domestic Relations Judgment Information). This document does not go in the Court file but you are required to file a Proof of Service that the form has been submitted to the Friend of the Court.

**On the day of the Hearing:**

Defendant is not required to appear, but may choose to.

**If the Judgment is signed by the Judge electronically**, Plaintiff can obtain the necessary copies at the Circuit & Family Court Records office after the hearing. If a paper Judgment was signed by the Judge with a pen, Plaintiff must take the Judgment to the Court Records office for filing. You are not divorced until the Judgment is filed.

Plaintiff is responsible for serving Defendant with a copy of the signed Judgment of Divorce. A proof of service must be completed and filed.

A photo copy of a Judgment of Divorce will be sufficient for most purposes. Standard copy fees are \$0.50 per page. If property is being recorded in the Register of Deeds or either party has obtained a name change within the divorce, a certified copy is needed for recording and the charge is \$10 for first page and \$1 for each additional page.