

## **SCAO-Approved Court Forms – New and Revised**

The following SCAO-Approved court forms were distributed to courts in June 2014. You can purchase copies of these forms from a number of printers or software companies or from publishers such as Thomson/West that contain reproductions of all SCAO-Approved forms (see <http://courts.mi.gov/Administration/SCAO/Forms/Pages/Printers-and-Publishers.aspx>).

Thomson/West publications are supplemented biannually, including advance sheets. You can also obtain copies of these forms at <http://courts.mi.gov/Administration/SCAO/Forms/Pages/default.aspx>. A complete set of forms is also included in the Institute of Continuing Legal Education Partnership resources at <http://www.icle.org/>.

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
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### **JC Forms**

JC 66, Application to Set Aside Adjudication(s)	1/13	cannot use after 12/31/14	3/14
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### **CC Forms**

CC 08, Motion for Consolidation	3/08	can use until depleted	4/14
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CC 08a, Order for Consolidation	3/08	can use until depleted	4/14
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CC 243a, Order of Probation	3/13	cannot use after 12/31/14	3/14
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CC 265, Notice of Right to Appellate Review and Request for Appointment of Attorney	3/09	can use until depleted	3/14
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CC 375, Petition for Personal Protection Order (Domestic Relationship)	3/09	can use until depleted	4/14
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CC 375m, Petition for Personal Protection Order Against a Minor (Domestic Relationship)	3/09	can use until depleted	4/14
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CC 376m, Personal Protection Order Against a Minor (Domestic Relationship)	3/12	can use until depleted	4/14
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CC 377, Petition for Personal Protection Order (Nondomestic)	3/11	can use until depleted	4/14
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<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
CC 377m, Petition for Personal Protection Order Against a Minor (Nondomestic)	3/11	can use until depleted	4/14
CC 395, Petition for Personal Protection Order (Nondomestic Sexual Assault)	3/11	can use until depleted	4/14
CC 395m, Petition for Personal Protection Order Against a Minor (Nondomestic Sexual Assault)	3/11	can use until depleted	4/14
<b>DC Forms</b>			
DC 243, Order of Probation (Misdemeanor)	6/13	cannot use after 12/31/14	3/14
<b>FOC Forms</b>			
FOC 1a, Friend of the Court Grievance	3/09	can use until depleted	3/14
FOC 39, Friend of the Court Case Questionnaire	3/12	cannot use after 12/31/14	3/14
FOC 39e, Child-Care Verification	3/09	cannot use after 12/31/14	3/14
FOC 65, Motion Regarding Parenting Time	3/12	cannot use after 12/31/14	3/14
FOC 71, Notice of Child Support Review	3/08	cannot use after 6/30/14	3/14
FOC 87, Motion Regarding Custody And Parenting Time	3/11	cannot use after 12/31/14	3/14
FOC 89, Order Regarding Custody and Parenting Time	1/13	can use until depleted	3/14
FOC 94, Order Correcting Omission in Order	3/11	can use until depleted	3/14
FOC 100, Domestic Relations Judgment Information	3/13	can use until depleted	3/14

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
FOC 112, Order to Remit Prisoner Funds for Child Support	5/10	can use until depleted	3/14
<b>MC Forms</b>			
MC 03, Answer, Civil	3/13	can use until depleted	4/14
MC 09, Dismissal	6/97	can use until depleted	4/14
MC 09a, Dismissal, Nonservice/ No Progress	3/01	can use until depleted	4/14
MC 11, Subpoena, Order to Appear and/or Produce	6/04	can use until depleted	4/14
MC 12, Request and Writ for Garnishment (Periodic)	6/13	can use until depleted	4/14
MC 13, Request and Writ for Garnishment (Nonperiodic)	1/14	can use until depleted	4/14
MC 14, Garnishee Disclosure	9/12	can use until depleted	4/14
MC 20, Waiver/Suspension of Fees and Costs (Affidavit and Order)	8/12	can use until depleted	4/14
MC 31, Case Evaluation Notice	3/12	can use until depleted	4/14
MC 52, Request and Writ for Garnishment (Income Tax Refund/Credit)	4/12	can use until depleted	4/14
MC 82, Partial Payment Receipt and Inventory of Seized Property	3/08	can use until depleted with hand correction	4/14
MC 227, Application to Set Aside Conviction	3/13	cannot use after 12/31/14	3/14
MC 245, Motion and Order for Discharge from Probation	3/13	cannot use after 12/31/14	3/14
MC 262, Order of Acquittal/Dismissal or Remand	3/09	can use until depleted	3/14
MC 294, Order Delaying Sentence	5/07	can use until depleted	3/14

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
MC 433, Order Following Probation Violation Hearing	N/A	New form	3/14

## CHANGES TO GENERAL CIVIL FORMS

### **MC 03      Answer, Civil**

The checkbox at the bottom of page 3 was changed from “continued on page \_\_\_\_” to “continued on additional pages.” The phrase “CHECK ALL THAT APPLY (for each box checked, attach a statement of facts)” was moved from being offset to the left of the affirmative defense heading to right above item 1. The font size was also increased to make this statement more visible.

### **MC 09      Dismissal**

A checkbox option was added to the bottom of the form to allow the order to indicate: “This order resolves the last pending claim and closes the case.” This change was made in light of the language in MCR 2.602(A)(3).

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff and defendant.

### **MC 09a      Dismissal, Nonservice/No Progress**

The citation at the bottom of the form was corrected from MCR 2.102(D) to MCR 2.102(E).

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff/petitioner and defendant/respondent.

### **MC 11      Subpoena, Order to Appear and/or Produce**

The fee box on the second page of this form was modified to be consistent with the new style for fee boxes, which includes two lines for fees instead of one.

Additionally, the hyphen in “non-service” in the heading on the second page was removed for purposes of consistency with other forms.

### **MC 12      Request and Writ for Garnishment (Periodic)**

The order copies are to be distributed was modified, with the court copy being made the first copy, and each other copy being moved down one spot.

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff and defendant.

**MC 13 Request and Writ for Garnishment (Nonperiodic)**

The order copies are to be distributed was modified, with the court copy being made the first copy, and each other copy being moved down one spot. Additionally, under the heading “TO THE DEFENDANT” item 1 was corrected from “negotiable instruction of title” to “negotiable instrument of title.”

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff and defendant.

**MC 14 Garnishee Disclosure**

The language in item 2.d. was modified to read: “The garnishee is not obligated to pay the defendant during the period of the writ.” The language in item 2.e. was modified to read: “The garnishee is obligated to pay the defendant during the period of the writ.” Additionally, on the garnishee calculation portion of the form on the third page, the outdated information on the chart from 2008 was removed.

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff and defendant.

**MC 20 Waiver/Suspension of Fees and Costs (Affidavit and Order)**

The form distribution was modified to add to the distribution the “other party.” This change was made in light of the language found at MCR 2.107(A)(1). A note relating to this change was added to the bottom of the form, which indicates: “NOTE: This order must be served on the other party at the time the pleading is served.” Additionally, an instruction was added to the bottom of the second page to indicate, “You are responsible for sending a copy of the signed order to the other parties involved in the case.”

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff/petitioner and defendant/respondent.

**MC 31 Case Evaluation Notice**

The word “or” was added between the options in item 1 on the back of the form. Additionally, the note at the bottom of the form was changed from “see reverse side” to “see other side.” The parenthetical below this note was modified to reflect “other side” instead of “reverse” as well.

**MC 52            Request and Writ for Garnishment (Periodic)**

The order copies are to be distributed was modified, with the court copy being made the first copy, and each other copy being moved down one spot. Additionally, the phrase “This portion to be completed by the court only” is now included in the highlighted area that is for court use only.

Additionally, for purposes of consistency with other forms, the caption boxes were modified to be the possessive form of plaintiff and defendant.

**MC 82            Payment Receipt and Inventory of Seized Property**

The amount noted on the form, below item 3 after the asterisk, was modified from 7% of the first \$5,000 to 7% of the first \$8,000. This changed was made to due a change in statute, MCL 600.2559(1)(j). Additionally, under the name line below the signature line, the words “officer” and “sheriff” had the capital letter beginning the word removed.

## **CHANGES TO GENERAL CRIMINAL COURT FORMS**

### **MC 227 Application to Set Aside Conviction**

The reference to “this form” was changed to “form MC 227” to clarify which form was being referenced, given that both MC 227 and MC 228 are mentioned on the first page.

On page 5, under item 8b, the word “to” was deleted after the word “mail” in the first sentence.

The PO Box for the Michigan State Police on page 6 was updated and the words “criminal history” were added to the second line of the address.

Additionally, informational links to the Michigan Supreme Court’s website were replaced with links to Michigan Legal Help’s website.

On page 8 of the form the name and telephone number to call if the individual’s record is not clear was updated.

On the application to set aside conviction, for purposes of consistency with other forms, the caption on the application was modified to be the possessive form of defendant.

### **MC 245 Motion and Order for Discharge from Probation**

In light of new legislation relating to mental health courts, an item c. was added to item 1 of the order indicating, “Mental health treatment court and  did  did not successfully complete the program.” Additionally, a checkbox option was added to item 3 for “Mental Health Treatment Court (MCL 600.1095).” In order to accommodate these changes, lines were removed from the area the probation officer completes at the top of the form.

### **MC 262 Order of Acquittal/Dismissal or Remand**

Citations to MCR 6.110(F) and (H) were added to the bottom of the form. The citation to MCR 7.101(M) was removed because after modification of the appellate court rules, that section no longer exists. Instead, a citation was added to MCR 7.109(H)(2).

Additionally, for purposes of consistency with other forms, the caption on the application was modified to be the possessive form of defendant and juvenile.

### **MC 294 Order Delaying Sentence**

The place to put a “seal” was removed from the form.

**MC 433      Order Following Probation Violation Hearing**

This is a new form for use following a probation violation hearing.

## **CHANGES TO DISTRICT COURT CRIMINAL FORMS**

### **DC 243      Order of Probation (Misdemeanor)**

The box at the top of the form on both part 1 and part 2 of the form, which includes the ways the judgment of guilt might be deferred, was rearranged to make space for an additional item. A checkbox option was added to this box for “600.1095, Mental Health Court” due to the passage of recent legislation. Additionally, the asterisk on form in front of “Veterans Court” and “Practicing under the Influence” were removed, as both are now maintained as nonpublic records. For this reason, the explanation on part 1 of the form at the bottom of the page indicating that the asterisk indicated an exception from the statement the case was to be maintained as a nonpublic record was removed, as it no longer applies to any of the options.

## CHANGES TO CIRCUIT COURT CRIMINAL FORMS

### CC 243a      **Order of Probation**

The box at the top of the form on both part 1 and part 2 of the form, which includes the ways the judgment of guilt might be deferred, was rearranged to make space for an additional item. A checkbox option was added to this box for “600.1095, Mental Health Court” due to the passage of recent legislation. Additionally, the asterisk on form in front of “Veterans Court” was removed, as this type of case is now maintained as nonpublic record. For this reason, the explanation on part 1 of the form at the bottom of the page indicating that the asterisk indicated an exception from the statement the case was to be maintained as a nonpublic record was removed, as it no longer applies to any of the options.

### CC 265      **Notice of Right to Appellate Review and Request for Appointment of Attorney**

A note was added to the bottom of the form to help clarify the steps that must be taken to properly complete the form. This note says, “**NOTE:** To properly start an appeal and request counsel, you must fill out the Receipt of Notice of Appeals Rights and the Request for Appointment of Attorney, above, as well as the Affidavit on the back. This form must be received by the court within 42 days of entry of the judgment of sentence.”

Additionally, for purposes of consistency with other forms, the caption on the application was modified to be the possessive form of defendant and juvenile. Further, the “date of birth” portion of the defendant/juvenile box was removed.

## CHANGES TO CIRCUIT COURT FORMS

### **CC 08 Motion for Consolidation**

The citation on the form is incorrect and was modified to correctly reflect MCR 2.505, the rule dealing with consolidation.

### **CC 08a Order for Consolidation**

The citation on the form is incorrect and was modified to correctly reflect MCR 2.505, the rule dealing with consolidation.

### **CC 375 Petition for Personal Protection Order (Domestic Relationship)**

Items 3.a. and 3.b. were modified to add a provision to the middle boxes also asking for the “state or province.” This information was also updated in item D on the instruction page. The signature line of the form was also modified to add “Next friend’s” as an option as well. Item H of the instruction page was updated to add to the end of that item, “and have the next friend sign the petition.”

Additionally, for purposes of consistency with other forms, the boxes after the A on the petition were modified to be the possessive form of petitioner and respondent.

### **CC 375m Petition for Personal Protection Order Against a Minor (Domestic Relationship)**

Items 4.a. and 4.b. were modified to add a provision to the middle boxes also asking for the “state or province.” This information was also updated in item E on the instruction page. The signature line of the form was also modified to add “Next friend’s” as an option as well. Item I of the instruction page was updated to add to the end of that item, “and have the next friend sign the petition.”

Additionally, for purposes of consistency with other forms, the boxes after the A on the petition were modified to be the possessive form of petitioner and respondent.

### **CC 376m Personal Protection Order Against a Minor (Domestic Relationship)**

The fee box on the last page of this form was modified to be consistent with the new style for fee boxes, which includes two lines for fees instead of one.

Additionally, the instructions for item C were modified to reference CC 375M, not CC 375. The “M” had been inadvertently omitted from this reference.

**CC 377      Petition for Personal Protection Order (Nondomestic)**

Items 3.a. and 3.b. were modified to add a provision to the middle boxes also asking for the “state or province.” This information was also updated in item C on the instruction page. The signature line of the form was also modified to add “Next friend’s” as an option as well. Item G of the instruction page was updated to add to the end of that item, “and have the next friend sign the petition.”

Additionally, for purposes of consistency with other forms, the boxes after the A on the petition were modified to be the possessive form of petitioner and respondent.

**CC 377m      Petition for Personal Protection Order Against a Minor (Nondomestic)**

Items 2.a. and 2.b. were modified to add a provision to the middle boxes also asking for the “state or province.” This information was also updated in item B on the instruction page. The signature line of the form was also modified to add “Next friend’s” as an option as well. Item F of the instruction page was updated to add to the end of that item, “and have the next friend sign the petition.”

Additionally, for purposes of consistency with other forms, the boxes after the A on the petition were modified to be the possessive form of petitioner and respondent.

**CC 395      Petition for Personal Protection Order (Nondomestic Sexual Assault)**

Items 3.a. and 3.b. were modified to add a provision to the middle boxes also asking for the “state or province.” This information was also updated in item C on the instruction page. The signature line of the form was also modified to add “Next friend’s” as an option as well. Item G of the instruction page was updated to add to the end of that item, “and have the next friend sign the petition.”

Additionally, on the first page of the form, in the second line, the word “with” was replaced with the word “to” for purposes of consistency with other forms.

Also, for purposes of consistency with other forms, the boxes after the A on the petition were modified to be the possessive form of petitioner and respondent.

**CC 395m      Petition for Personal Protection Order Against a Minor (Nondomestic Sexual Assault)**

Items 2.a. and 2.b. were modified to add a provision to the middle boxes also asking for the “state or province.” This information was also updated in item B on the instruction page. The signature line of the form was also modified to add “Next friend’s” as an option as well. Item F of the instruction page was updated to add to the end of that item, “and have the next friend sign the petition.”

Additionally, on the first page of the form, in the second line, the word “with” was replaced with the word “to” for purposes of consistency with other forms.

Also, for purposes of consistency with other forms, the boxes after the A on the petition were modified to be the possessive form of petitioner and respondent.

## **CHANGES TO FRIEND OF THE COURT FORMS**

### **FOC 1a Friend of the Court Grievance**

Due to the fact there are only two active citizen advisory committees (CAC) and that reference to the CAC was causing confusion in the counties where they do not exist, all references to the CAC were removed from the forms. This includes in the distribution, as a checkbox option in the title, and on the second page. The checkbox for indicating the grievance was based on “gender rather than the best interests of the child” was also removed, because that is a standard applicable to CACs, not FOC grievances.

Additionally, the release of information section of the second page of the form was removed entirely.

### **FOC 39 Friend of the Court Case Questionnaire**

Based on a review of the information needed to apply the child support formula, a new line was added to page 3 of this form asking: “Does a federal or state agency or public or private entity contribute all or a portion of the cost of child-care services? If yes, please explain.”

### **FOC 39e Child-Care Verification**

Due to the inclusion of a question regarding any assistance with child-care being added to FOC 39, the line asking for this information from the parent on this form was removed.

Additionally, based on a review of the information needed to apply the child support formula, a modification was made to the line asking about child-care assistance on this form. The language was changed to: “Does a federal or state agency or public or private entity contribute all or a portion of the cost of child-care services?”

## **FOC 65      Motion Regarding Parenting Time**

For purposes of clarity regarding which form to use, a note was added to the first instruction page indicating: “If you want the court to change support, use form FOC 52. If you want the court to change custody, use form FOC 87.”

Additionally, a new item 2 was added on the second page of the instructions, relating to completion of the MC 416 (Uniform Child Custody Jurisdiction Enforcement Act Affidavit) along with this form. This change was made as a result of review of relevant statutes. The new item resulted in the remaining items in the list being renumbered. Additionally, the instructions were updated on pages 2-4 to reference attaching the MC 416.

A new item 2 was added to page 3 to indicate that the MC 416 must be completed. This resulted in former item 2 becoming item 3.

A clarifying item was added to the motion form as item 2 to remind parties to complete the MC 416. The remaining items were renumbered.

The certificate of mailing portion of the form was modified to indicate that a Uniform Child Custody Jurisdiction Enforcement Act Affidavit must be filed and mailed with FOC 65.

## **FOC 71      Notice of Child Support Review**

In order to make space, the distribution portion of the form was modified from four lines to two.

Item 1 on the form was modified in light of a statutory review. The form was modified to clarify that the basis for a denial if the review was completed less than 36 months ago includes a finding that “there is no evidence of a substantial change in circumstance.” An “other” option was also added to item 1, as there are other reasons why the friend of the court might deny the request.

The number of days referenced in item 3 as the period for objecting was corrected to 21 days from 30 days. This was based on statutory review. Item 3 was also entirely reworded and reworked in order to make it more consistent with the relevant statutes.

Item 5 was modified to clarify, consistent with statute, that either copies of the supporting documents or a summary, may be provided, instead of indicating that it must be copies of supporting documents that are provided.

## **FOC 87      Motion Regarding Custody**

A new item 2 was added on the second page of the instructions, relating to completion of the MC 416, Uniform Child Custody Jurisdiction Enforcement Act Affidavit, along with this form. This change was made as a result of review of relevant statutes. The new item resulted in the remaining items in the list being renumbered. Additionally, the instructions were updated on pages 2-4 to reference attaching the MC 416.

A new item 2 was added to page 3 to indicate that the MC 416 must be completed. This resulted in former item 2 becoming item 3.

Page 6 of the instructions was modified under item “I” to fix a cross reference. With the changes noted below to numbering, the item referenced in “I” should be item 7 and the form was modified accordingly.

A clarifying item was added to the motion form as item 2 to remind parties to complete the MC 416. The remaining items were renumbered.

The certificate of mailing portion of the form was modified to indicate that a Uniform Child Custody Jurisdiction Enforcement Act Affidavit must be filed and mailed with FOC 87.

## **FOC 89      Order Regarding Custody and Parenting Time**

Some checkboxes on this form were realigned to line up other checkboxes on the form. The word “a” was added before the phrase “change in custody” in item 4.

On page 2 of the form, lines were added for the parties to sign if they are stipulating to the order and a line for the judge’s signature was added. Additionally, a certificate of mailing was added to the bottom of the form. These changes were made to accommodate circumstances where the FOC 89 might be used without the FOC 10 and to make it clear even when both are used that the parties are stipulating to both FOC 89 and FOC 10 and that both were mailed.

## **FOC 94      Order Correcting Omission in Order**

Language relating to the Hague Convention on the Civil Aspects of International Child Abduction was added to this form. This change was made to ensure all corrected orders will contain the statutorily required Hague Convention language if this form is used.

## **FOC 100     Domestic Relations Judgment Information**

The line below the use note relating to whether the information provided has changed was reworded for purposes of clarity.

**FOC 112      Order to Remit Prisoner Funds for Child Support**

At the request of the Michigan Department of Corrections, the blank address box was filled in with a specific address. Additionally, the certificate of mailing portion of the form was modified to reflect that this form should be mailed to a central processing unit. The address box was also moved to the bottom of the form, resulting in the remainder of the form being shifted up.

## CHANGES TO FAMILY DIVISION FORMS

### **JC 66      Application to Set Aside Adjudication(s)**

The reference to “this form” was changed to “form JC 66” to clarify which form was being referenced, given that both JC 66 and JC 105 are mentioned on the first page.

On page 4, under item 2, on the fourth line, the word “and” was replaced with a comma.

On page 5, under item 8b, the word “to” was deleted after the word “mail” in the first sentence.

The PO Box for the Michigan State Police on page 6 was updated and the words “criminal history” were added to the second line of the address. Additionally, informational links to the Michigan Supreme Court’s website were replaced with links to Michigan Legal Help’s website. On page 9 of the form the name and telephone number to call if the individual’s record is not clear was updated.