

**CUSTODY QUESTIONS AND ANSWERS**  
*(Frequently Asked Questions)*

***1. How do I get an order for custody?***

A motion requesting the court to grant you custody of your children must be filed with the court. (Usually this is included in the initial complaint in a divorce case, or in the answer.) If both parents agree, and sign an agreement (stipulation and order), that agreement, if approved by the court, may be entered as a custody order.

***2. How do I change an existing order for custody?***

A motion to modify a custody order must be filed with the court, or the parents can sign a written agreement changing custody (stipulation and order), which if approved by the court, will change custody. The Friend of the Court cannot file a motion for you.

***3. Do I need to have an attorney to get custody?***

It is not required that you have an attorney to file a motion for custody. However, there are many complicated issues involved in a custody case. Therefore you may want to have an attorney represent you. The **Friend of the Court** cannot file a custody motion for you.

***4. Is there any way the court can assist us in reaching an agreement on custody?***

The **Friend of the Court** may schedule a domestic relations conference with an FOC investigator for both new and existing cases. These conferences may assist parties in settling a custody dispute (see page 9 of the FOC handbook.) The parties may also agree to a private mediation service offered by people with skills and special training in domestic matters who are paid a “fee for service” by the parties.

***5. After a motion for custody has been filed, and we cannot reach our own agreement, what does the Friend of the Court have to do?***

The **Friend of the Court**, at the direction of the Court, is required to do any of the following:

- (1) Offer a conference with an FOC investigator to facilitate the resolution of the issues presented.
- (2) Conduct an investigation and file a written report and recommendation to the court based on the factors listed in the Michigan Child Custody Act.
- (3) Conduct a full evidentiary hearing before an FOC referee.

***6. Do I have the right to receive a copy of the Friend of the Court report and recommendation on custody?***

The Friend of the Court will provide a copy of the Friend of the Court report and recommendation to each party, or to their attorney.

***7. What will happen if I have an order for custody and the other parent does not return the child to me as stated in the court order?***

You have several choices:

- (1) You may contact your attorney to bring a “show cause” or contempt proceeding against the other party; or
- (2) You can file a written complaint with the **Friend of the Court** and request that

- they enforce your order; or
- (3) You can contact the Prosecuting Attorney and request that a kidnapping charge be initiated if you have reason to believe that the other parent intends to keep the child.

*8. Does the Friend of the Court have a responsibility to investigate alleged abuse and/or neglect of a child?*

**Allegations of abuse or neglect should be reported to Department of Health and Human Services, [Child Protective Services](#) office, phone number 1-855-444-3911.**