

# Request for Ex Parte Order

## (Request, Affidavit, Order)

<b>When to Use:</b>	<ul style="list-style-type: none"> <li>You have a case started; <b>and</b></li> <li>You want the court to enter an order; <b>and</b></li> <li>You have <b>specific</b> facts that irreparable harm will occur if you must schedule a hearing and give the other party the required amount of notice (9 days); <b>or</b></li> <li>An adverse reaction will occur if you must give notice to the other party before an order is entered.</li> </ul>
<b>Filing Fees:</b>	\$20; <b>or</b> \$100 for orders regarding parenting time
<b>Method of Payment:</b>	Credit Card
<b>Where to File:</b>	<a href="https://mifile.courts.michigan.gov">https://mifile.courts.michigan.gov</a>
<b>Filing Type:</b>	Motion; <b>or</b> Motion to Modify Parenting and/or Custody, Post Judgment
<b>Copies:</b>	Original, plus 1 copy if the other party does not have a MiFILE account.
<b>Additional Information:</b>	<p>The court <b>cannot</b> change custody without a hearing.</p> <p><b>Both</b> parties are entitled to be heard (at a hearing) and must receive notice of any hearing that is scheduled on the case. A request for an ex-parte order is a request for the court to enter an order without a hearing.</p> <p>An ex-parte order is a <b>temporary</b> order. You will need to file a motion and have a hearing if you are requesting more than a temporary change to an order.</p> <p>An ex parte order is effective as soon as the judge signs it. However, it is not enforceable until the other party is served (receives) a copy of the order. It is your responsibility to serve a copy of all documents on the other party.</p> <p>You can serve this motion electronically if the other party has a MiFILE account. You will need to send a copy of this motion to the other party if he or she does <b>not</b> have a MiFILE account. You can send this motion by regular, first class mail.</p> <p>Once you have served the other party, you must file a proof of service with the Clerk's office.</p> <p>You may purchase copies and stamped envelopes in the Legal Self-Help Center.</p>

<b>State of Michigan 20<sup>th</sup> Circuit Court Ottawa County</b>	<b>Request for Ex Parte Order</b>	<b>Case Number</b>
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**Court address:** 414 Washington, Room 320, Grand Haven, MI, 49417

**Court phone number:** 616-846-8315

**Plaintiff**

moving party

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

**Defendant**

moving party

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

**1. Prior Court Order**

I have a court order regarding  parenting time  other. The date of the order is \_\_\_\_\_.  
 I want to make changes to the part of the order that says: \_\_\_\_\_

**2. Irreparable Harm**

I believe the following irreparable harm (something that cannot be fixed) will occur if the court does not grant my request: \_\_\_\_\_

I have written down the specific reasons why I believe this harm will occur. I have attached my sworn statement to this request.

**3. Request for Order** *(check all that apply)*

I ask the court to enter an order:  
 Suspending the  plaintiff's  defendant's parenting time. Parenting time should be suspended with the children listed below.

Child's name	Date of birth

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare that the statements above are true to the best of my knowledge.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

<b>State of Michigan 20<sup>th</sup> Circuit Court Ottawa County</b>	<b>Affidavit</b> Sworn statement regarding request for ex parte order	<b>Case Number</b>
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**Court address:** 414 Washington, Room 320, Grand Haven, MI, 49417

**Court phone number:** 616-846-8315

**Plaintiff**

Name:

**Defendant**

Name:

- Irreparable harm will occur if I must schedule a hearing and give the other party the required amount of notice.  
 An adverse reaction will occur if I must give notice to the other party before an order is entered.

2. The specific reasons I believe irreparable harm or an adverse reaction will occur are:

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You must sign this form in front of a notary.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Acknowledged before me in Ottawa County, Michigan, on \_\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
County, Michigan  
Acting in the County of \_\_\_\_\_, Michigan  
My commission expires \_\_\_\_\_

<b>State of Michigan</b> <b>20<sup>th</sup> Circuit Court</b> <b>Ottawa County</b>	<b>Order</b> Regarding Request for Ex Parte Order	<b>Case Number</b>
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**Court address:** 414 Washington, Room 320, Grand Haven, MI, 49417

**Court phone number:** 616-846-8315

**Plaintiff**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

**Defendant**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

The Court has reviewed the  plaintiff's  defendant's request for an ex parte order.

The pleadings submitted do not establish the likelihood that immediate and irreparable injury, loss or harm will occur before a hearing can be held, or that notice of the hearing will precipitate adverse action as required by MCR 3.207. The request for an order without a hearing is **denied**. A hearing may be requested with proper notice to the other party.

The Court has determined that irreparable harm or an adverse reaction may occur if ex-parte relief is not granted. The request for an order without a hearing is **granted** as follows:

The  plaintiff's  defendant's parenting time with the children listed below is suspended;

Child's name	Date of birth

Other: \_\_\_\_\_

Either party may object to this order. If an objection is filed, the court will schedule a hearing. The court may rescind or modify this order at that hearing. Otherwise, this order shall remain in effect and must be obeyed until further order of the court.

You must complete form **FOC 61** (Objection to Ex Parte Order and Motion to Rescind or Modify) if you want to object to this order. This form can be found at [www.courts.mi.gov](http://www.courts.mi.gov). You have 14 calendar days from the time you received this order to file your objection with the court.

\_\_\_\_\_  
Circuit Court Judge

Date: \_\_\_\_\_

Time: \_\_\_\_\_

<b>State of Michigan</b> <b>20<sup>th</sup> Circuit Court</b> <b>Ottawa County</b>	<b>Proof of Service</b> Request for Ex Parte Order & Order	<b>Case Number</b>
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**Court address:** 414 Washington Ave., Room 320, Grand Haven, MI 49417    **Court phone number:** 616-846-8315

**Plaintiff:**

Name: _____
Address: _____
_____
Phone #: _____

**Defendant:**

Name: _____
Address: _____
_____
Phone #: _____

I served (gave) a copy of the following documents to the other party on (date) \_\_\_\_\_:

- Request for Ex Parte Order (with attachments)**
- Order Regarding Request for Ex Parte Order**
- Other:**

I  personally served the documents; **or**

I  sent the documents by ordinary first-class mail to the other party's address listed above.

I declare that the above statement is true to the best of my knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed