

# Request for Ex Parte Order

(MCR 3.207, Request, Affidavit, Order)

<p><b>When to Use:</b></p>	<p>You <b>must</b> file a motion regarding custody or a motion regarding parenting time if you want to change your current custody or parenting time order. Both parties are entitled to be heard and must receive adequate notice of a hearing.</p> <p>A request for an ex parte order is a request for the court to enter an order without a hearing. The court cannot enter an order without a hearing unless there are extremely good reasons to do so.</p> <p>You <b>may</b> file a request for an ex parte order (in addition to your motion) if:</p> <ul style="list-style-type: none"> <li>• You already have a custody or parenting time order; <b>and</b></li> <li>• You want the court to enter a <b>temporary</b> order until your motion can be heard; <b>and</b></li> <li>• You have <b>specific</b> facts that irreparable harm will occur if you must give the other party notice of a hearing (9 days); <b>or</b></li> <li>• An adverse reaction will occur if you must give the party notice before the order is entered.</li> </ul> <p>Your allegations must be so startling that it makes the judge compelled to act immediately. This is not an easy standard to meet. If you think you may need an ex parte order, you should speak with an attorney.</p>
<p><b>Optional Forms:</b></p>	<p><b>MC 20</b> – Fee Waiver Request</p>
<p><b>Forms Website:</b></p>	<p><a href="http://www.courts.mi.gov">www.courts.mi.gov</a></p>
<p><b>Filing Website:</b></p>	<p><a href="https://mifile.courts.michigan.gov">https://mifile.courts.michigan.gov</a></p>
<p><b>Filing Type:</b></p>	<p><b>Request for Ex Parte Order</b> – Motion; Motion to Modify Parenting Time and/or Custody, Post Judgment <b>Order</b> – Miscellaneous</p>
<p><b>Filing Fees:</b></p>	<p>\$20 (Motion); <b>or</b> \$100 (Motion to Modify Parenting Time and/or Custody) \$0 (Order)</p>
<p><b>Method of Payment:</b></p>	<p>Credit Card</p>
<p><b>Copies:</b></p>	<p>Original, plus 1 copy if the other party has not registered for MiFILE and added themselves as a case contact.</p>
<p><b>Notes:</b></p>	<p><b>Irreparable harm</b> – harm or injury for which no amount of monetary compensation can adequately and sufficiently make the injured party truly whole or reverse the injury.</p>

<b>Instructions:</b>	<ol style="list-style-type: none"><li>1. Complete the Request for Ex Parte Order.</li><li>2. Complete the Affidavit. Include the specific reasons why you believe the court must act now, without giving the other party a chance to be heard.</li><li>3. Sign the Affidavit in front of a notary. There is a notary in the clerk's office.</li><li>4. Fill in the plaintiff and defendant contact information on the Order Regarding Request for Ex Parte Order.</li><li>5. File your paperwork electronically. See Filing Type section above.</li><li>6. If the Judge signs your order, you must serve a copy of your motion/request and order on the other party. The other party will be served electronically if they have registered for MiFILE. If they have not, you will need to mail a copy by first class mail or personally hand them a copy.</li><li>7. If you mail or personally hand them a copy, complete the Proof of Service. File your proof of service electronically. The filing type for the proof of service is 'Miscellaneous'.</li></ol> <p>Note: 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>
<b>Case Information:</b>	<p>Your case number is: _____</p> <p>You are the <input type="checkbox"/> plaintiff <input type="checkbox"/> defendant.</p> <p>You are the moving party.</p> <p>The date of your last order is: _____</p>

RULE 3.207 EX PARTE, TEMPORARY, AND PROTECTIVE ORDERS

(A) Scope of Relief. The court may issue ex parte and temporary orders with regard to any matter within its jurisdiction, and may issue protective orders against domestic violence as provided in subchapter 3.700.

(B) Ex Parte Orders.

(1) Pending the entry of a temporary order, the court may enter an ex parte order if the court is satisfied by specific facts set forth in an affidavit or verified pleading that irreparable injury, loss, or damage will result from the delay required to effect notice, or that notice itself will precipitate adverse action before an order can be issued.

(2) The moving party must arrange for the service of true copies of the ex parte order on the friend of the court and the other party.

(3) An ex parte order is effective upon entry and enforceable upon service.

(4) An ex parte order remains in effect until modified or superseded by a temporary or final order.

(5) An ex parte order providing for child support, custody, or visitation pursuant to MCL 722.27a, must include the following notice:

“Notice:

“1. You may file a written objection to this order or a motion to modify or rescind this order. You must file the written objection or motion with the clerk of the court within 14 days after you were served with this order. You must serve a true copy of the objection or motion on the friend of the court and the party who obtained the order.

“2. If you file a written objection, the friend of the court must try to resolve the dispute. If the friend of the court cannot resolve the dispute and if you wish to bring the matter before the court without the assistance of counsel, the friend of the court must provide you with form pleadings and written instructions and must schedule a hearing with the court.

“3. The ex parte order will automatically become a temporary order if you do not file a written objection or motion to modify or rescind the ex parte order and a request for a hearing. Even if an objection is filed, the ex parte order will remain in effect and must be obeyed unless changed by a later court order.”

(6) In all other cases, the ex parte order must state that it will automatically become a temporary order if the other party does not file a written objection or motion to modify or rescind the ex parte order and a request for a hearing. The written objection or motion and the request for a hearing must be filed with the clerk of the court, and a true copy provided to the friend of the court and the other party, within 14 days after the order is served.

(a) If there is a timely objection or motion and a request for a hearing, the hearing must be held within 21 days after the objection or motion and request are filed.

(b) A change that occurs after the hearing may be made retroactive to the date the ex parte order was entered.

(7) The provisions of MCR 3.310 apply to temporary restraining orders in domestic relations cases.

(C) Temporary Orders.

- (1) A request for a temporary order may be made at any time during the pendency of the case by filing a verified motion that sets forth facts sufficient to support the relief requested.
- (2) A temporary order may not be issued without a hearing, unless the parties agree otherwise or fail to file a written objection or motion as provided in subrules (B)(5) and (6).
- (3) A temporary order may be modified at any time during the pendency of the case, following a hearing and upon a showing of good cause.
- (4) A temporary order must state its effective date and whether its provisions may be modified retroactively by a subsequent order.
- (5) A temporary order remains in effect until modified or until the entry of the final judgment or order.
- (6) A temporary order not yet satisfied is vacated by the entry of the final judgment or order, unless specifically continued or preserved. This does not apply to support arrearages that have been assigned to the state, which are preserved unless specifically waived or reduced by the final judgment or order.

<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	Age

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

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

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

<b>State of Michigan</b> <b>20<sup>th</sup> Circuit Court</b> <b>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**

**Defendant**

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

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	Age

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