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# **MICHIGAN LEGAL HELP**

Helping Michigan residents solve their legal problems

## **How to Fill Out, Serve, and File Court Forms**

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**[Are You Being Evicted? Find Legal and Financial Help Here](#)**

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Michigan Legal Help has tools to fill many kinds of forms but we do not cover all areas. You may have a blank form that you need to fill out on your own. Read this article to learn more about how to fill out a blank court form.

### **Finding the Forms You Need [top](#)**

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#### **Use a Do-It-Yourself Tool If Possible**

Michigan Legal Help (MLH) provides Do-It-Yourself (DIY) tools for many common legal problems. These DIY tools ask questions to gather information to fill out the court forms. The tool fills in the form and gives you completed documents that are ready for you to sign and file in court. Licensed Michigan lawyers create and test the DIY tools. If you want help finding a DIY tool, you can use the **[Guide to Legal Help](#)** to find out if there is a form related to your legal problem.

#### **The State Court Administrative Office Has Blank Forms for Some Legal Issues**

If there is no DIY tool to help you fill forms, the Supreme Court Administrative Office (SCAO) has a large collection of blank court forms. There are a few ways to search for court forms on the **[SCAO Forms](#)** page. If you know the name of the form you need or the form number, you can search for it using the search bar at the top of the page. You can also scroll down to look for your form by category. If you see your type of legal problem listed, you can click on the category to browse the forms and find what you need.

#### **Finding a Lawyer**

If MLH does not have a DIY Tool and SCAO does not have the type of blank form you are looking for, you may want to contact a lawyer for help. Even if SCAO does have a blank form, it may still be a good idea to contact a lawyer if you do not understand how to fill out the form, or if you need any help with your case. Use the [Guide to Legal Help](#) to get personalized lawyer referrals. If you might qualify for free or low-cost lawyers, they will be listed on the results page. The Guide also helps connect you with private lawyers through the State Bar of Michigan's Lawyer Referral Service and any local lawyer referral services in your area. If you can't find a free lawyer to help you, you can also look for lower cost legal help. You might consider hiring a lawyer only for parts of your case instead of the whole thing. This is called Limited Scope Representation. To learn more, read [Limited Scope Representation \(LSR\): A More Affordable Way to Hire a Lawyer](#).

## How to Fill Out Blank Court Forms [top](#)

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If a DIY tool is not available, you may need to use a form from SCAO. Some SCAO forms have instructions. If a form has instructions, there will be a green rectangle in the lower-left corner of the form labeled "Form Instructions." Click on the rectangle to open the instructions. Carefully follow the instructions to make sure you are filling out the form correctly.

### The Caption

The caption is the top section of a form that has basic information about the case. The caption must include:

- The name of the court
- The names of the parties
- The case number (including the two-letter case type code)
- A title or identification
- The name, address, phone number, and bar number of each lawyer appearing in the case (if there are any). You can use the [State Bar of Michigan directory](#) to search for a lawyer and find their bar number (sometimes called a P number).
- The name, address, and phone number of each party appearing without a lawyer. If the judge ordered that an address stay confidential or if you are in a personal protection case you do not need to include your home address but must give an alternate address where you, or a friend on your behalf, can get mail.

SCAO-approved forms have spaces for you to enter all of this information. On some forms, the "identification of the document" will already be typed into the form. On other forms, you will need to give it a title. You will need to fill out your court's contact information on the form. Select your county on the Courts and Agencies page to see contact information for courts in your area. The image below is an example of a caption on a Notice of Hearing and Motion form.

Approved, SCAO		Original - Court file 1st copy - Assignment clerk/Extra 2nd copy - Friend of the court/Extra	3rd copy - Opposing party 4th copy - Moving party
3rd	STATE OF MICHIGAN JUDICIAL CIRCUIT JUDICIAL DISTRICT COUNTY	NOTICE OF HEARING AND MOTION	CASE NO. 12-34567-DM
Court address 2 Woodward Avenue, Detroit, MI 48226		Court telephone no. 313-224-5260	
Plaintiff name(s) Peter Plaintiff Plaintiff's attorney, bar no., address, and telephone no. Laura Lawyer P12345 2100 Woodward Avenue Detroit, MI 48201 313-555-4321		v	Defendant name(s) Deborah Defendant Defendant's attorney, bar no., address, and telephone no. 2645 Woodward Avenue Detroit, MI 48201 313-555-1234

**NOTICE OF HEARING**

1. Motion title: Motion to Waive the Statutory Waiting Period

2. Moving party: Deborah Defendant

## “In the Matter of” and “Versus” Captions

Some forms include an option for two types of case titles. Many kinds of cases are presented as two parties opposing one another. These are titled using “versus” which is usually abbreviated as “v.” or “vs.” For example, Smith v. Jones.

Other kinds of cases do not have two opposing sides when they are filed. For example, a name change does not have opposing parties. The case is just one person filing for permission to legally change their name. Other cases that are not filed as two opposing sides include adoption, guardianship, and cases to distribute property after someone dies. There may still be disagreements between people in these cases, but when the case is filed, it is not filed as a dispute between parties. These cases do not use the “versus” title. Instead, they use “In the matter of.” For example, In the matter of Jane Doe.

If a court form has both a “v” and an “In the matter of” option, you will only use one. Some forms have a space for each option so that the form can be used in a variety of case types. The image below shows a form that has blanks for each option. In this example the case title is Peter Plaintiff v. Deborah Defendant and so the “In the matter of” line is blank.

JIS CODE:POM	
STATE OF MICHIGAN JUDICIAL DISTRICT 3rd JUDICIAL CIRCUIT COUNTY	PROOF OF MAILING
CASE NO. and JUDGE 12-34567-DM Hon. Jamie L. Smith	
Court address 2 Woodward Avenue, Detroit, MI 48226	
Court telephone no. 313-224-5260	
Plaintiff's name, address, and telephone no. Peter Plaintiff	Defendant's name, address, and telephone no. Deborah Defendant 2645 Woodward Avenue Detroit, MI 48201 313-555-1234
Plaintiff's attorney, bar no., address, and telephone no. Laura Lawyer, P12345 2100 Woodward Avenue Detroit, MI 48201 313-555-4321	Defendant's attorney, bar no., address, and telephone no.
In the matter of _____	

## Party Names in Court Cases

There are a few different ways to name the people involved in a court case. The following names are some of the labels you might see on court forms.

### Party Names that Identify the Two Sides of a Case and Stay the Same Throughout the Case

The following party names are based on who filed the documents to start the case. These party names will not change during the case. For example, the plaintiff is always the plaintiff, and the defendant is always the defendant.

- Plaintiff: the party who starts a case by filing a complaint
- Defendant: the party sued by a plaintiff in a complaint
- Petitioner: the party who starts a case by filing a petition
- Respondent: the party sued by a petitioner in a petition
- Appellant: the party who files an appeal of a lower court's decision
- Appellee: the party in an appeal who did not file the appeal

### Party Names that Can Change, Depending on What is Being Filed

Some party names are connected to a specific filing within a case. The most common example of this is in a motion. The person who files a motion is called the "moving party" or the "movant" on the motion. The person responding to a motion is called the "responding party" or the "respondent" on the motion.

## Other General Guidelines for Filling Forms

You can either type or neatly handwrite on court forms. If you type, the font must be at least 12 point. If you write by hand, make sure the writing is neat and easy to read. If you need extra space, you can attach another page. If you do this, make a note on the first page directing the judge to look at your attached page. For example, you could label the attached page “Attachment A” and write on the motion “See Attachment A.”

Sometimes, you may need to attach documents, photos, or other evidence to support what you are asking for. You can do this by attaching “exhibits” in your form. To do this, refer to the exhibit in the document, assign it a letter or number, and then attach it with a label using that letter or number. For example, you could say within a motion “The police report is attached as Exhibit A.” Then you would put a label on the police report that says “Exhibit A” and attach it to the motion.

## Signing Court Documents

You will need to sign your documents before filing them with the court. Most court forms do not need to be notarized. This means you can sign them on your own and do not need to wait until you are in front of a notary, court clerk, or anyone else.

Often there is one signature line per document. You may not need to sign each individual page. For example, a complaint might be several pages long but you will only sign it one time at the end. In general, if a page does not have a signature line on it, you do not need to sign it.

Electronic signatures are accepted in all Michigan state courts. If you used a DIY tool on MLH, we give you an option to add an electronic signature. The courts will accept an electronic signature in the following format: */s/ Deborah Defendant*. The signature and date line on your forms would look like this if you use an electronic signature:

4/28/2021

*/s/ Deborah Defendant*

Date

Signature

You may also use a pen to sign by hand. Either format is equally acceptable.

## Scheduling a Hearing [top](#)

Some court forms include a “Notice of Hearing” section. This tells the other party that a hearing has been scheduled. If you file something that requires a hearing (most motions require a hearing), you are usually responsible for putting a hearing on the court’s schedule and letting the other party in the case know about the hearing. In some situations, the court clerk will schedule the hearing for you and send out the notice.

To schedule a hearing, contact the court clerk. You can find contact information for your court on the [Courts and Agencies](#) page.

Call the court clerk to tell them what you are filing and ask for a hearing date. You will need to fill out all of the following information in the Notice of Hearing section of the form. Be sure to get all of this from the clerk when you speak to them:

- Judge's name. There is also space for the Judge's bar number on some forms. You can fill this in if you know it, but it is also ok to leave it blank.
- Date of the hearing
- Time of the hearing
- Hearing location

Sometimes the clerk may give you a specific day and time. Other clerks may give you a general range. For example, they may tell you "motion day is Wednesday," meaning that you can choose any Wednesday to schedule. Be sure to ask for the time of day if they do not specify.

If the clerk gives you a choice of dates, there are court rules about how soon you can schedule it. You can schedule a hearing for:

- 9 days after you serve the notice of hearing and motion on the other party if you serve them by mail
- 7 days after you serve the notice of hearing and motion on the other party if you serve it by hand delivery, electronic filing (if available in your court), or by e-mail

When you calculate time, the date of service does not count. Day one is the day after the party was served. The last day of the period is included unless it is Saturday, Sunday, a court holiday, or any other day the court is closed. If the last day falls on one of these days, the next day that the court is open is the day that the period runs out. Weekends and other days the court is closed do count; they just can't be the day of the hearing.

## Filing Documents with the Court [top](#)

## **File with the Court**

Finally, file the original

with the court. Some courts may accept documents for filing by email, mail, or by handing them to the court in person. In some courts, you may be asked to e-File using MiFILE. To learn more about e-Filing and whether this is available in your court, read [What Is E-Filing?](#). Contact your court to get information about the filing methods available there. Select your county on the [Courts and Agencies](#) page to see contact information for courts in your area.

There is a fee to file some kinds of documents. If you can't afford to pay fees and you do not already have a fee waiver in your case, you can file a fee waiver request to ask for permission to file your documents for free. Visit the [I Need a Fee Waiver for Court](#) toolkit for help filling out a fee waiver.

If you file in person, ask the clerk for a stamped copy showing the date and time that you filed. If you file by mail, include a self-addressed stamped envelope for the clerk to return a stamped copy. Keep your date and time-stamped copy with your records.

## **Serving (Sending Notice to) the Other Party [top](#)**

### **Most Documents Must Be Served to the Other Party**

In general, when someone files a document in a case, the other party has a right to notice that something has been filed and an opportunity to respond to what has been filed. When you file something with the court, you must give the other party in your case (or their lawyer, if they have one) a copy of what you filed. This is called service. Every time you serve the other party, you must give the court proof that you did so. This is called proof of service, or proof of mailing.

One exception to this process is when a party asks for an ex parte order. An ex parte order is a court order issued before the other party gets notice or an opportunity to respond. It is an order a judge signs without having a hearing first. Ex parte orders are only for emergency situations. For example, you can ask for a personal protection order without serving the other party first. It is common to ask for a protection order this way but it can be difficult to ask for other kinds of ex parte orders. To learn more, read [Ex Parte Orders in Family Court](#).



Some kinds of cases have different rules for service. For example, there are different rules in domestic relations cases (family law cases) Michigan Legal Help has the following resources about serving family law documents:

- [How to Serve Divorce Papers](#)
- [How to Serve Custody Papers](#)
- [How to Serve a Complaint to Revoke Paternity and Other Forms](#)

Other types of cases that have different rules for service include:

- Eviction and land contract forfeiture
- Probate cases (for example guardianship, conservatorship, estate administration)
- Small claims

If you are not sure how to serve the documents in your case you may want to speak to a lawyer. Please use the [Guide to Legal Help](#) to find a lawyer or legal services office in your area.

## **Serving Documents to Start a New Case**

Documents you file to start a court case (the summons and complaint, or in some cases the petition) must usually be served on the defendant in person or by certified mail. The plaintiff or petitioner cannot serve these documents themselves. You can hire a professional process server or have a friend or family member do it. The server must be over 18 and can't be a party to the case.

You cannot have the other party served until after you file a summons and complaint with the court. This is because the court clerk will need to assign a case number and sign the summons before you serve it.

## **Serving Documents in an Existing Case**

Serving later documents in a case is easier. The general rule in Michigan courts is that these documents must be served electronically (e-Filed with MiFILE or sent as a PDF email attachment) to the greatest extent possible. If electronic service is not possible or if you are not sure if the other party has email you can serve the other party (or their lawyer if they have one) with documents after the case is started by:

- Mailing a copy by regular mail to the address they gave in their court documents

\*PLEASE PROVIDE THE COURT WITH A STAMPED ENVELOPE\*

You may serve the other party either before or after you file the documents with the court if they are being filed in an existing case. Sometimes a form may even have a Proof of Service attached to it. This can be convenient because instead of filing the document and then later needing to file the proof of service, you can file both at the same time. If you do this, you would serve the other

party, fill out the proof of service, and then file the document with the court along with the proof of service at the same time.

## **Proof of Service or Proof of Mailing**

After the other party is served, you will need to file a document with the court telling them that this happened. Do this using a proof of service or proof of mailing form. Sometimes it is also called a certificate of mailing. These are all different terms for a similar document. A proof of service is a more general term. A proof of service might show that you handed a document to someone, that you had it served by a process server, or any other service method. A proof or certificate of mailing is a more specific version of the form that says you served a document by mailing it.

If you used a DIY tool on this website to draft your court forms, you will have one or more blank proof of service or proof of mailing forms for this purpose. In some cases, there will be a proof of service or proof of mailing at the bottom of the form.

If you need a blank **proof of mailing** form to fill in on your own, you can get a copy from the Michigan One Court of Justice website.

Some court forms do not yet have information about email and e-Filing even though this method is allowed or required in some cases. If you served the other party using one of these methods but your form says that you mailed the documents, neatly cross out the part of the form that says you sent the documents by mail and write in the method you used.

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# **MICHIGAN LEGAL HELP**

Helping Michigan residents solve their legal problems

## **How to Serve Divorce Papers**

### **What Papers Do I Have Served? [top](#)**

The first papers you will have served on your spouse are:

- The **Summons** and **Complaint** (usually just called the “Summons”)
- Any other papers you filed to begin your divorce

**Warning!** The Summons must be served on your spouse within 91 days, or your divorce case may be dismissed.

### **Can I Be the Server? [top](#)**

No. There are several ways you can have your initial divorce papers served, but you cannot be the one to serve the papers. You can ask a friend or relative to serve the papers, or you can pay your local sheriff’s department, police department, or a process server. Whoever serves the papers must be at least 18 years old and cannot be a party in your case.

### **What Does the Server Do? [top](#)**

The server must do the following things:

- Personally give your spouse a copy of your court papers **or** mail the papers (see the mailing rules below),
- Fill out and sign (in front of a **notary**) the **Proof of Service** on the back of one copy of the Summons form, **AND**
- File the Proof of Service or return it to you to file

A notary can usually be found at a bank or the court clerk's office.

## What Are the Rules for Mailing? [top](#)

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The server can mail the papers by registered or certified mail, with service restricted to your spouse and a return receipt requested. This type of service only works if your spouse accepts delivery of the papers and if you have a safe address where the return receipt can be mailed.

To serve the papers by mail, have a friend or relative go to the post office and pay to have the papers mailed to your spouse this way. Once the papers have been delivered, you will get a green card (the return receipt) in the mail. Make sure your spouse signed the green card. Have the person who mailed the papers fill out and sign (in front of a notary) the Proof of Service form on the back of one copy of the Summons and give it to you. Attach the signed return receipt to the Proof of Service.

## Can My Spouse Agree to Accept Service of the Papers? [top](#)

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Yes. If your spouse agrees to accept service of the papers, your spouse can sign the Acknowledgment of Service section on the back of one copy of the Summons and give it to the server. With this type of service, only the Acknowledgment of Service portion of the Proof of Service needs to be filled out. The server will not need to fill out the rest of the Proof of Service. Make a copy of the form for your records, and file the original with the clerk's office.

## What If I Don't Know Where My Spouse Is? [top](#)

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If the server has tried to serve your spouse several times without success, or if you can't find out your spouse's address after making real efforts, you can ask the judge for permission to complete service another way. To do this, file a **Motion and Verification for Alternate Service**.

If the judge allows alternate service, the judge will sign an Order for Alternate Service. Then you can follow the judge's directions for serving the papers.

If you need to serve your spouse by alternate service, consider hiring a lawyer to help you with your divorce. Proper service is absolutely necessary for you to get a divorce. You can use the [Guide to Legal Help](#) to get contact information for legal services or a lawyer referral service in your area.

## How Do I Serve the Rest of the Papers I File? [top](#)

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Only the Summons and the other initial divorce papers must be served by someone **other** than you. After the initial service, you can serve other court papers on your spouse. You may serve the rest of the divorce papers by:

- Mailing a copy to your spouse's last-known address,
- Handing a copy to your spouse in person, OR
- Leaving a copy at your spouse's home with an adult who also lives there

Whoever serves the papers must fill out and sign a Proof of Service saying which papers were served. If you used our [Do-It-Yourself Divorce](#) tool to prepare your court forms, several blank Proof of Service forms were included.

**During the COVID-19 emergency, certain court documents must be served electronically, either through e-Filing (if available) or e-mail. This includes an Answer to a Complaint filed by the other party (and any other forms you file with the Answer), a motion, or a response to a motion. However, you cannot serve a Complaint or a Petition electronically (for example, a Complaint for Divorce).** To find out if your court has e-Filing for your case type, look at the [E-Filing Courts in Michigan](#) page on the Michigan One Court of Justice website.

Keep the following rules in mind when serving documents by e-mail:

- All documents must be in PDF format;
- The e-mail subject line must include the name of the court, case name, case number, and the title of each document being sent;
- If you e-mail a document at or before 11:59 p.m., it is considered served on that day. If you send the e-mail on a Saturday, Sunday, or legal holiday, it is considered served on the next business day;
- Do not delete any e-mails you send to the other party, especially e-mails that served court documents. You must keep a record of sent items until a judgment or final order is entered and all appeals have been completed.

## What Do I Do with the Completed Proof of Service? [top](#)

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Each time you or another server fills out a Proof of Service, file it with the circuit court clerk's office. Keep a copy of each Proof of Service for your records.

## What If My Spouse Is in Prison? [top](#)

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If your spouse is in prison, you must still have them served with the divorce papers. Having papers **served** on an inmate is usually not hard. Call the Department of Corrections to confirm the incarceration and the other party's prison number and location. Then mail a copy of the complaint and other papers you filed to the prison. Also include the **Proof of Service** so the server can fill it out and send it back to you. Mail the papers by registered or certified mail, with service restricted to your spouse and a return receipt requested.

A prison employee can serve the papers and send you back the completed Proof of Service form along with the return receipt (this looks like a green card). Most Michigan prisons have a litigation coordinator to help with this process. You can also use the **Personal Service on Prisoner and Affidavit** form to ask the warden or administrator of the prison to serve the papers.

When you receive the completed Proof of Service from the prison, attach the return receipt before filing it with the court clerk's office.

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