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| <b>STATE OF MICHIGAN</b><br><b>JUDICIAL CIRCUIT</b><br>JUDICIAL CIRCUIT - FAMILY DIVISION<br>COUNTY | <b>MOTION TO SET ASIDE</b><br><b>ORDER OF FILIATION</b> | <b>CASE NO. and JUDGE</b> |
|---|---|---------------------------|

Court address Court telephone no.

|   |
|---|
| Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party      |
| Plaintiff's attorney, bar no., address, and telephone no.                               |
| Alleged father's name, address, and telephone no. <input type="checkbox"/> moving party |

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| Defendant's name, address, and telephone no. <input type="checkbox"/> moving party |
| Defendant's attorney, bar no., address, and telephone no.                          |
| Alleged father's attorney, bar no., address, and telephone no.                     |

**USE NOTE:** If the court determines that this motion should be denied and the order of filiation not be set aside, the court shall order the person who filed the motion to pay the reasonable attorney fees and costs incurred by any other party because of this motion.

**MOTION**

1. On \_\_\_\_\_, a Michigan order of filiation was entered in this case determining  
Date  
 \_\_\_\_\_ to be the father of the minor child \_\_\_\_\_.  
Affiliated father's name Child's name  
 (Check either a or b)  
 a. A petition has not been filed to terminate the parental rights to this child.  
 b. There is an existing termination proceeding in the \_\_\_\_\_ Court and that court has found that it is in the best interests of the child to allow the filing of this motion.
  
2. I am the  mother.  affiliated father.  alleged father and the child was not conceived as a result of acts for which the alleged father was convicted of criminal sexual conduct under MCL 750.520b to MCL 750.520e.

3. This motion is timely because

- a. it is filed within one year after the date of the order of filiation.
- b. it is filed within three years after the child's birth.
- c. I was granted an extension of time for filing this motion under MCL 722.1443(12).

4. Paternity was determined based on the affiliated father's failure to participate in the court proceedings.

**I REQUEST that:**

5. The court set aside the Michigan order of filiation and, if necessary, order genetic testing to assist in making its determination.

6. The child support obligation of \_\_\_\_\_ be terminated.  
Name of obligor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Moving party's signature

**NOTICE OF HEARING**

A hearing will be held on this motion before \_\_\_\_\_  
Judge/Referee

on \_\_\_\_\_ at \_\_\_\_\_  
Date and time Location

**CERTIFICATE OF MAILING**

I served a copy of this motion and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature