

FORM FOC 88

RESPONSE TO MOTION REGARDING CUSTODY

USE THIS FORM IF:

- You get a copy of FOC , Motion Regarding Custody. By filling out this form, you are answering the statements made in the motion.

**INSTRUCTIONS FOR COMPLETING
“RESPONSE TO MOTION REGARDING CUSTODY”**

PLEASE PRINT NEATLY.

Items A through J must be completed before your response can be filed with the Court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A) Before you fill in the Case Number, get your copy of the Motion Regarding Custody and copy the Case No. From that paper onto this form.
- (B) Also use the motion to fill in the Plaintiff and Defendant boxes and if applicable, the Third Party box. Copy the names from the motion onto this form. For example, if your name is in the box that says “Plaintiff”, then you should write your name in the “Plaintiff” box on the response form.
- (C) Check only one box. If you have a judgment or order for divorce, separate maintenance, paternity, or family support, read it carefully to find out if there is any information about custody, check box b if there is currently no order regarding custody.
- (D) Check the box for whomever was ordered to have custody of the child(ren).
- (E) Write in the name(s) of the child(ren) and where they are living.
- (F G) Check this box if you agree with what was said in the Motion form. If you check the box explain in as much detail as possible what you did agree on. If you need more space, use a separate sheet of paper. **You will need 4 copies of this sheet to attach to 4 copies of this form.**
- (H I) Check the agree or do not agree box if you agree or disagree on what was stated in the motion. Explain in as much detail as possible what you do or do not agree on. If you need more space, use a separate sheet of paper. **You will need 4 copies of this sheet to attach to 4 copies of this form.**
- (J) Write in today’s date and sign your name.
- (K) On the date you mail 1 copy (and the separate sheets) to the other party, write in the date and sign your name.

INSTRUCTIONS FOR USING FORM FOC 88 RESPONDING TO A MOTION REGARDING CUSTODY

FILING A RESPONSE

1. Fill out the Response to Motion form.

If you receive a motion and notice of hearing from the other party, you have time before the hearing to respond in writing to the party and the court. Use the instructions in this form. Type or print neatly. Be careful not to make mistakes.

SERVING THE RESPONSE ON THE OTHER PARTY OR PARTIES

1. Serve the Response on the other party.

The other party must be served with (notified of) your response at least **5 weekdays** (not including holidays) before the hearing date.

NOTE: Serve the papers by mailing them to the other party by regular first class mail.

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them.

2. File at the County Clerk

Mail the original and one copy (with any attachments) to the County Clerk. Remember to keep 1 copy for your own records. The County Clerk will deliver 1 copy to the Friend of the Court.

3. Attend the Hearing.

Unless you are otherwise ordered to appear at the hearing, you are not required to attend, however, it is highly recommended you attend the hearing.

INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the motion and your response along with all supporting papers.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.

2. Make a list of information you feel is important for the referee or judge to know. The information should relate to the reasons stated in your response. You can use this list as a reminder to bring up the points you feel are important.

3. If you feel you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court.
5. Do NOT interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, sit at the appropriate table, marked "Plaintiff" or "Defendant". You may be asked any of the following:
 - a) Your name
 - b) What your response is to the motion
 - c) The facts or reasons for your response
 - d) Whether you have witnesses in court who are willing to testify

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. **DO NOT** interrupt the other party.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date of service of the referee's recommendation to file an objection and request a de novo hearing before the judge. The Friend of the Court will provide you with the form and instructions for objecting to the Referee's recommended order, and scheduling a de novo hearing.

RESPONSE TO MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed. **DID YOU.....**

1. Fill out all requested information on the form?
2. Make all necessary copies? **FOUR copies of any attachments.**
3. Mail (serve) a copy of the response on the other party and on any other custodian/guardian?
4. Keep one copy of the response to motion form for yourself?
5. Give 2 copies of the completed form to the clerk of the court?

If you cannot answer "yes" to all of the above steps, your response may not be heard at the hearing on the motion.

By using this form packet you are representing yourself in a court action regarding parenting time. **In order to receive the action you seek, you must follow the instructions in this packet.**

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	RESPONSE TO MOTION REGARDING CUSTODY	(A) CASE NO.
--	---	---------------------

Court address

Court telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

- (C)** 1. a. On _____ a judgment
Date
- or order was entered regarding custody.
- b. There is currently no order regarding custody.

- (D)** 2. The plaintiff defendant third party was ordered to have custody of the following child(ren):

- (E)** 3. The child(ren) have been living with _____ at
Name(s)
- _____ since _____ .
Complete address Date

- (F)** 4. I agree do not agree that circumstances have changed as stated in the motion.
Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet of paper if needed and attach.

- (G)** 5. I agree do not agree that proper cause exists as stated in the motion.
Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet of paper if needed and attach.

- (H)** 6. I agreed with the other party to custody, parenting time, and support
- a. exactly as stated in the motion.
- b. but not as stated in the motion.
- If b is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed and attach.

- (I)** 7. a. I agree with what is being asked for in the motion.
- b. I do not agree with what is being asked for in the motion and ask the court to order custody, parenting time, and support as follows: If b is checked, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed and attach.

(J) _____
Date

Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this response on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(K) _____
Date

Responding party's signature