

Form FOC 88

RESPONSE TO MOTION REGARDING CUSTODY

USE THIS FORM IF:

- ☛ You get a copy of FOC 87, Motion Regarding Custody. By filling out this form, you are answering the statements made in the motion.

YOU CANNOT USE THIS FORM IF:

- ☛ You have an attorney. Contact your attorney for legal assistance.

INSTRUCTIONS FOR USING FORM FOC 88

RESPONDING TO A MOTION

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

2. File at the County Clerk.

Mail the original and one copy (with any attachments) to the Van Buren County Clerk, 212 Paw Paw Street, Paw Paw, MI 49079. Remember to keep one copy for your own records. **The County Clerk will deliver one copy to the Friend of the Court.**

3. Attend the Hearing.

This is your case. If you want the Referee to hear your side of the case, it is highly recommended that you attend the hearing, in addition to filing a written response.

INFORMATION ABOUT ATTENDING THE HEARING:

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

1. By using this form packet, you are representing yourself in a court action regarding custody. 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 motion. You can use this 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 the 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 the following:
 - 1) Your name
 - 2) What your response is to the motion regarding custody
 - 3) The facts or reasons for your request
 - 4) Why you believe this order would be in the best interests of the child(ren)
 - 5) Whether you have witnesses in court who are willing to testify

Answer the 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 the chance to speak also. When the other party speaks, take notes. Do not interrupt the other party.

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

IF YOU CANNOT ANSWER "YES" TO ALL OF THE ABOVE STEPS, YOUR RESPONSE MAY NOT BE HEARD AT THE HEARING ON THE MOTION.

If you fail to do even one of the required steps, the order you get from the court may not give you your desired results.

INSTRUCTIONS FOR COMPLETING

"RESPONSE TO MOTION REGARDING CUSTODY"

Please print neatly, and press firmly with an ink pen, or use a typewriter.

Items A through J must be complete before your response can be filed with the court. Please read the instructions 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 (Form FOC 87) and copy the Case Number 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 judgement or order for custody, divorce, separate maintenance, or paternity, read it carefully to find out if there is any information in it about custody. If there is information about custody, check box "a". If there is no information about custody, check box "b".
- D** Check this box only if you checked box "1a" in C above. Read your court papers for custody, divorce, separate maintenance, or paternity to find out who was ordered to have custody. Write this information here along with the name(s) of the child(ren).
- E** State who the child(ren) is/are living with now, the address or location where the child(ren) is/are living, and the date the child(ren) started living there, even if it is different than what was ordered.
- F - G** Check whether you agree or disagree with what was said on the motion form (FOC 87). If you checked the "I do not agree" box, explain in detail what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- H** Check this box only if you agreed with the other party to custody, parenting time, and support. If you checked box "b", explain in detail what you agreed on. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- I** Check whether you agree or disagree with what was said on the motion form (FOC 87). If you checked the "I do not agree" box, explain in detail what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- J** Write in today's date and sign your name.
- K** Write in the date you mailed a copy (and the separate sheets) to the other party, and sign your name.

STATE OF MICHIGAN
36TH JUDICIAL CIRCUIT
VAN BUREN COUNTY

RESPONSE TO
MOTION REGARDING CUSTODY

(A)

CASE NO.

Court address: 212 Paw Paw St., Paw Paw, MI 49079
Friend of the Court address: 219 Paw Paw St., Paw Paw, MI 49079

Friend of the Court telephone no.
(616) 657-7734

(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 judgement
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 following 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.

- (G) 5. I agree do not agree that proper causes 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.

- (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.

- (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.

I declare that the above statements are true to the best of my information, knowledge, and belief.

(J) _____
Date Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this response on the other party by ordinaty mail at the above address.

(K) _____
Date Responding party's signature