

Form FOC 51

RESPONSE TO MOTION REGARDING SUPPORT

USE THIS FORM IF:

- ☛ You get a copy of FOC 50, Motion Regarding Support. 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 51

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 support. 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 support
 - 3) The facts or reasons for your request (bring papers showing your income such as pay stubs, W-2 forms, income tax returns, etc.)
 - 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 the support you want. Note: Regardless of the amount of support you ask for, the court is required to use the Child Support Formula in deciding what support should be, unless the court finds that using the Formula would be unjust or inappropriate.

INSTRUCTIONS FOR COMPLETING

"RESPONSE TO MOTION REGARDING SUPPORT"

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

Items A through K 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 Support (Form FOC 50) 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 divorce, separate maintenance, paternity, or family support, read it carefully to find out if there is any information in it about support. If there is information about support, check box "a". If there is no information about support, check box "b".
- D - F** Check these boxes only if you checked box "a" in C above. Read your court papers for divorce, separate maintenance, paternity, or family support to find out who was ordered to pay support, child care, and health care; how much; and how often. Write this information here.
- G** Check this box only if G is checked on the Motion form (FOC 50). Then check whether you agree or do not agree with what was said on the Motion form (FOC 50). If you check the box "do not agree", explain in as much detail as possible what you did not agree 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.**
- H** Check this box only if H is checked on the Motion form (FOC 50). If you checked box "b", explain in as much detail as possible what you have 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** If you agree with the request in the Motion form (FOC 50), check box "a". If you do not agree with the request, check box "b". If you checked box "b", explain in as much detail as possible why you do not agree with the request in the Motion and what you want the court to order. 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.

Approved, SCAO

Original - Court
1st copy - Moving Party
2nd copy - Responding Party

3rd copy - Friend of the Court

STATE OF MICHIGAN 36TH JUDICIAL CIRCUIT VAN BUREN COUNTY	RESPONSE TO MOTION REGARDING SUPPORT	(A) CASE NO.
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Court address 219 Paw Paw Street, Paw Paw, Michigan 49079

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 judgment
Date
 OR order was entered regarding support.
 b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each _____
week, month, etc.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each _____
week, month, etc.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each _____
week, month, etc.

(G) 5. I agree do not agree that conditions regarding support 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.

(H) 6. I agreed with the other party to start/change 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 what is being asked for in the motion and ask the court to order that support be paid as follows:
If you do not agree with the request in the motion, 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

I certify that on this date I mailed a copy of this response on the other party(ies) by ordinary mail at the above address(es).

(K) _____
Date _____
Responding party's signature