

OBJECTION TO ORDER OR PROPOSED ORDER FORM FOC 78

Use this form if:

- You received an order or a notice to enter a proposed order regarding child support, parenting time, domicile/residence, joint legal custody dispute or custody/parenting time and you do not agree with the order or proposed order.
- You must state your objection in writing and file it timely with the Circuit Court Clerk. You must also include a Notice of Hearing and an alternate order (there is no form for an alternate order. It is your responsibility to prepare your own document). Objections should be based on good reasons – if your objection is made without grounds, or is unreasonable, the court can require you to pay the court costs or attorney fees to handle your objection.

INSTRUCTIONS FOR USING FORM FOC 78 OBJECTING TO AN ORDER OR PROPOSED ORDER

- 1. Fill out the objection to the order or proposed order form.**

Make at least 5 copies of the form after you have filled it out.

- 2. File the objection, Notice of Hearing, and alternate order with the Circuit Court Clerk.**

Take the original and 5 copies of the forms to the Circuit Court Clerk.

What you should have when you leave the Circuit Court Clerk's Office:

- 1 copy of FOC 78 (with any attachments) – for you
- 1 copy of FOC 78 (with any attachments) – for the other party (and Attorney if represented)
- 1 copy of FOC 78 – for proof of service to the court
- 1 copy of FOC 78 – for proof of service to the friend of the court

SERVING THE OBJECTIONS, NOTICE OF HEARING, AND ALTERNATE ORDER ON THE OTHER PARTY (AND ATTORNEY IF REPRESENTED)

- 1. Serve all documents on the other party (and Attorney if represented).**
- 2. Serve the documents by mailing them regular mail.**

OBJECTION TO ORDER OR PROPOSED ORDER CHECKLIST

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

DID YOU...

1. Fill out all the requested information on the forms?
2. Make all the necessary copies?
3. File the Objections, Notice of Hearing and Alternate Order with the Circuit Court Clerk's office?
4. Mail (serve) a copy of the documents on the other party (and Attorney if represented)?
5. Return to the clerk's office **after** you mailed the documents to the other party (and Attorney if represented) and complete the certificate of mailing?
6. Keep one copy of the documents form for yourself?
7. Give 2 copies of the documents to the Circuit Court Clerk?

YOU MUST ATTEND THE HEARING ON THE OBJECTIONS.

1. What you need for service:

1. Copy of FOC 78 (with any attachments) – for the other party (and Attorney if represented).
2. Copies of FOC 78 – for proof of service.

Mail 1 copy of the documents with attachments to the other party (and Attorney if represented). Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the Circuit Court Clerk's Office.

Once you have mailed the documents and filled out the certificate of mailing on the remaining 3 copies, return to the Circuit Court Clerk's Office with 2 copies. Remember to keep 1 copy for your own records. The Circuit Court Clerk will deliver 1 copy to the Friend of the Court.

INFORMATION ABOUT ATTENDING THE HEARING

1. Bring your copy of the documents. Also bring all supporting papers and any witnesses who are willing to testify.
2. 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.
3. Make a list of information you feel is important for the judge to know. The information should relate to the reason stated in your objection. You can use this list, as a reminder to bring up the points you feel are important.
4. Go to the judge's courtroom 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. Bring any witnesses with you.
5. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do **not** interrupt any hearing in process. Take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, go to the podium and clearly state the following:
 - a. Your name
 - b. That you are representing yourself
 - c. That you are objecting to an order or proposed order
 - d. The facts or reasons for your objections (bring any supporting papers with you)
 - e. Whether you have witnesses in court who are willing to testify

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

7. 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. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.

STATE OF MICHIGAN 10TH JUDICIAL CIRCUIT COURT SAGINAW COUNTY	OBJECTION TO ORDER OR PROPOSED ORDER	A) CASE NO.
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111 S. Michigan Ave., Saginaw, MI 48602

B) Plaintiff's name, address and telephone number.

Defendant's name, address and telephone number

I received an order or notice to enter a proposed order dated (C) _____

I object to the order or the entry of the proposed order and request a hearing by the court. My objection is based on the following reason(s):

(D)

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

(E) _____
Date

Signature of objecting party

Name (type or print)

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this objection on the other party (and Attorney if represented) by ordinary mail at the above address(es).

(F) _____
Date

Signature of objecting party

NOTICE OF HEARING

SAGINAW COUNTY FRIEND OF THE COURT

FOC 7

Use this Notice of Hearing if:

- You are filing objections to an Order or Proposed Order and wish to have the matter heard by the Circuit/Family Court Judge.

This packet is prepared in accordance to the guidelines of the State Court Administrator's Office forms.

NOTICE OF HEARING CHECKLIST

Use the following checklist to make sure you have done all the steps that are included.

DID YOU FOLLOW ALL OF THESE STEPS?

1. Fill out all information on the Notice of Hearing? YES
2. Attach your objections specifically stating reasons you are objecting to the Order or Proposed Order? YES
3. Make all necessary copies? YES
4. Mail a copy of the Notice of Hearing, Objections, and Alternate Order to the other party (and Attorney if represented)? YES
5. Return to the Circuit Court Clerk after you have mailed the Notice of Hearing, Objection, and Alternate Order to the other Party (and Attorney if represented) and file the certificate of mailing? YES
6. Keep one copy of the documents for yourself? YES
7. Give the original documents and one copy of the completed certificate of mailing to the Circuit Court Clerk? YES
8. Deliver one copy of the documents to the Friend of the Court (with a completed certificate of mailing)? YES

The Friend of the Court does not represent either party and is not authorized to give legal advice. Parties may hire private attorneys during any point in this process.

If you cannot answer "YES" to all of the above steps, your Notice of Hearing may be delayed or it will be dismissed.

By using this Notice of Hearing, you are representing yourself in a Court action regarding child support, custody, parenting time, or domicile. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the Notice of Hearing may be dismissed.

ORIGINAL – COURT
1ST COPY – PLAINTIFF
2ND COPY – DEFENDANT
3RD COPY – FRIEND OF THE COURT

STATE OF MICHIGAN 10TH JUDICIAL CIRCUIT SAGINAW COUNTY	NOTICE OF HEARING	CASE NUMBER:
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Court Address: 111 S. Michigan Ave., Saginaw, MI 48602

Phone: 989-790-5300

Plaintiff's name, address and phone no:

Attorney:

v

Defendant's name, address, and phone
no:

Attorney:

A hearing will be held

Date: _____

Time: _____

Location: _____

Judge: _____

Bar no.

for the following purpose:

You are required to attend this hearing.

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting court, provide your case number(s).

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of the notice of hearing by ordinary mail to the other party (and Attorney if represented) at the addresses stated above.

Date

Signature

FOC 7 10/2016