

**RESPONSE TO
PETITION REGARDING CHILD SUPPORT
SAGINAW COUNTY FRIEND OF THE COURT
FORM 20**

Use this Response if:

- You get a copy of the Petition Regarding Child Support. By filling out this response, you are answering the statements made in the Petition.

RESPONSE CHECKLIST

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

DID YOU...READ THE INSTRUCTIONS FIRST?

1. Fill out all requested information on the Response? YES
2. Make all the necessary copies? YES
3. File the Response to Petition with the Circuit Court Clerk's office? YES
4. Mail (serve) a copy of the Response on the other party (and Attorney if represented)? YES
5. Return to the Clerk's office **after** you mailed the Response and completed the certificate of mailing? YES
6. Keep one copy of the Response for yourself? YES
7. Give 1 copy of the completed Response to the Circuit Court Clerk? YES
8. Deliver 1 copy of the completed Response to the Friend of the Court? YES
9. Deliver 1 copy of the completed Response to the Referee Office? YES

You must attend the hearing on the Petition.

If you cannot answer "YES" to all of the above steps, your Response may not be heard at the hearing on the Petition.

By using this Response packet you are representing yourself in a Court action regarding child support. 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 Order you get from the Court may not give you the child 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.

If you have any question about any steps in the process, refer to page 3 through 5 of this packet for details.

The Friend of the Court does NOT represent either party. In preparation for the Investigation, each party is encouraged to review the MICHIGAN CHILD SUPPORT MANUAL, which may be obtained from the state court administrator's office (989-373-8289) or the public library. The Friend of the Court is NOT authorized to give the parties legal advice or assist in filing this Response. Either party may hire an attorney during any point in the process.

INSTRUCTIONS FOR FILING A RESPONSE

⇔ FILING A RESPONSE

1. Fill out the Response.

Use the document on page 7. Use the instruction on page 6. Since there is only an original of the Response in this packet, type or print neatly, using a black or blue pen. Be careful to not make mistakes. (THIS IS A COURT DOCUMENT)

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

2. File the Response form with the Circuit Court Clerk (located in the basement of the Courthouse).

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

The Clerk will keep the original of the Response and any attachments for the Court file and stamp “True Copy” on all copies. You **MUST** provide the Friend of the Court and the Referee with true copies of your Response. Do not lose your remaining true copies of your Response.

What you should have when you leave the Clerk’s office:

- 1 Copy of the Response (with any attachments)- for you
- 1 Copy of the Response (with any attachments)- for the other party (and Attorney if represented)
- 1 Copy of the Response (with any attachments)-for the Friend of the Court
- 1 Copy of the Response (with any attachments)-for the Referee
- 1 Copy of the Response (with any attachments)- for the Court

INSTRUCTIONS FOR SERVING A RESPONSE

⇔ SERVING THE RESPONSE ON THE OTHER PARTY

1. Serve the Response on the other party (and Attorney if represented).

YOU MUST SERVE (NOTIFY BY ORDINARY MAIL) the other party (and Attorney if represented) of your Response at least 5 weekdays (not including holidays) before the hearing date.

What you need for service:

- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for you.
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the other party (and Attorney if represented).
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the Court.
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the Friend of the Court.
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the Referee.

Fill out the Certificate of Mailing (date and sign) on all the copies of the Response. Mail one copy to the other party.

NOTE: Serve the papers by mailing them to the other party (and Attorney if represented) by ordinary mail. **THE DATE ON THE CERTIFICATE OF MAILING MUST BE THE DATE YOU MAILED THE PETITION TO THE OTHER PARTY (AND ATTORNEY IF REPRESENTED).**

2. Return to the County Clerk

Once you have mailed the Response to the other party (and Attorney if represented) return to the Circuit Court Clerk's office. You will have four copies with the completed certificate of mailing. Give the Circuit Court Clerk one copy for the Court file. Keep 1 copy for your own records. Deliver 1 copy to the Friend of the Court and 1 copy to the Referee Office. You **MUST** deliver a copy directly to the Friend of the Court office.

⇔ INFORMATION ABOUT ATTENDING THE HEARING

Bring all supporting papers you have and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and follow the same general rules an attorney would.
2. Make a list of information you feel is important for the Referee to know. The information should relate to child support only. You can use this list as a reminder to bring up 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 an Attorney.
4. Go to the Referee's Office on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Bring any witnesses with you. **DO NOT BRING MINOR CHILDREN.**
5. Go to the Referee office and sign in. Tell the clerk your name, that you are there for a hearing, and you are representing yourself. Do **NOT** interrupt any hearing in progress. Then take a seat and wait until your case is called.
6. When you are called to testify and you are sworn in clearly state the following:
 1. Your name
 2. that you are representing yourself
 3. that you need a support order or a change in a support order
 4. the facts or reasons for your request (**bring papers showing your income such as pay stubs, W-2 forms, income tax forms, etc.**)
 5. why you believe this order would be in the best interests of the child(ren)
 6. whether you have witnesses in court who are willing to testify.

Answer the Referee clearly and directly. If the Referee wants to hear from the other witnesses, ask them to tell the Referee what they know regarding your situation.

7. If the other party is in hearing room, 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.

NOTE: If you do not agree with the Referee's decision, you may have 21 days from the date of the mailing of the Referee decision to file an objection and request a de novo hearing before the Judge. **The objection and request for a hearing must be filed with the Circuit Court Clerk's office (located in the basement of the Courthouse).**

INSTRUCTION FOR COMPLETING “RESPONSE TO PETITION REGARDING CHILD SUPPORT”

Please print neatly. After filling in the Response, you will need to make at least 6 copies.

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

- A. Before you fill in the Case No., get your copy of the Petition Regarding Child Support and copy the Case No. from that paper onto this Response form.
- B. Also use the Petition to fill in the “Plaintiff” and the “Defendant” boxes. Copy the names from the Petition onto this Response. For example, if your name is in the box that says “Plaintiff” on the original court document, then you should write your name in the “Plaintiff” box on this Response form.
- C. **Check only one box.** If you have a judgment or order for child support, separate maintenance, or paternity, read it carefully to find out if there is any information in it about child support. If there is information about child support, check box a. If there is no information about child support, check box b.
- D-F. Check these boxes only if you check 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 Petition. Then check whether you agree or do not agree with what was said in the Petition. If you check the box “do not agree”, **explain in** as much **detail** as possible what you do not agree with and why. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach to the copies of this Response.
- H. Check this box only if **H.** is checked on the Petition. Then check whether you agree of do not agree with what was said in the Petition. If you check the box “do not agree”, **explain in** as much **detail** as possible what you did agree on. If you need more space, use a separate sheet of paper. Print his information as neatly as you can. You will need 4 copies of this sheet to attach to copies of this form.
- I. If you agree with the request in the Petition, check box a. If you do not agree with the request, check box b. If you checked the box b., **explain in** as much **detail** as possible what you do not agree with the request in the Petition and what you want the Court to order. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach to copies of this form.
- J. Write in today’s date and sign your name.

Make 5 copies of your Response form and go to the County Clerk. Read page 4 of this packet for details.

STATE OF MICHIGAN 10TH JUDICIAL FAMILY DIVISION 111 S. MICHIGAN SAGINAW, MI 48602	RESPONSE TO PETITION REGARDING CHILD SUPPORT	<u>A.</u> CASE # _____
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B. Plaintiff's name, address, city, state and zip.

v

Defendant's name, address, city state and zip.

- C.** 1. **a.** On _____ a judgment or Order was entered regarding child support.
Date
- b.** There is currently no order regarding child support

D. 2. The Plaintiff Defendant is ordered to pay support of _____ each _____.
Week, month

E. 3. The Plaintiff Defendant is ordered to pay child care of _____ each _____.
Week, month

F. 4. The Plaintiff Defendant is ordered to pay healthcare of _____ each _____.
Week, month

G. 5. I agree do not agree that conditions regarding child support have changed as stated in the Petition.
 Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet if needed.

H. 6. I agreed with the other party to start/change support:
 a. exactly as stated in the Petition.
 b. but not as stated in the Petition.
 If b. is checked, explain in detail what you agree on. Include all necessary facts. Use a separate sheet if needed.

I. 7. a. I agree with what is being asked for in the petition.
 b. I do not agree with what is being asked for in the Petition and ask the Court to order that support be paid as follows:
 If you do not agree with the request in the Petition, explain in detail why and what you want the Court to order and attach. Use a separate sheet 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 on this date I mailed a copy of this response on the other party (and Attorney if represented) by ordinary mail at the above address.

Date

Responding Party's signature