Response to

Custody Motion

(FOC 88)

<u>Use this Response if:</u> you received a Motion Regarding Custody from the other party. By filling out this response, you are answering the statements made in that Motion.

FILING YOUR RESPONSE:

1) Fill out the FOC 88 Response to Motion Regarding Custody (use a separate sheet and attach if you need more room to explain).

2) Bring or mail your FOC 88 and four copies of your documents to the Circuit Court Clerk's Office located in the basement of the Courthouse at 111 S. Michigan Ave. Saginaw, MI 48602. If you mail your motion, include a self-addressed stamped envelope for the Clerk to return your copies to you.

3) There is no fee to file a response to a motion.

4) The Court Clerk will keep the original and one copy and return the remaining copies to you.

SERVING YOUR MOTION

1) You MUST serve the Response to the other party (and attorney if represented) as soon as possible after filing your motion and at least **5 days before your hearing.** This is done by mailing the Response and all attachments by first class mail to other party/attorney. If you do not have the other party's address, you can obtain it from the Circuit Court Clerk's office.

2) After mailing the Response, complete the CERTIFICATE OF MAILING section on the bottom of the Response form.

3) YOU MUST FILE YOUR CERTIFICATE OF MAILING: Return to the Clerk's office to file two copies of the certificate of mailing. The court clerk will route a copy to the Friend of the Court.

PREPARING FOR YOUR HEARING

1) You must attend the hearing on this motion. If you do not appear, the Referee may make a decision without your attendance. Hearings may be conducted by video conferencing (Zoom). Please review the notice of hearing for Zoom instructions.

2) Your hearing may result in a referral to the Friend of the Court for Investigation. Investigations will be scheduled at a later date with a Friend of the Court Staff attorney and require a $100.00 fee. The Referee will decide how the fee will be paid.

Original - Court   3rd copy - Friend of the court
1st copy - Moving party   4th copy - Proof of service
2nd copy - Responding party   5th copy - Proof of service

Approved, SCAO

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 certifiy 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

FOC 88 (6/17) **RESPONSE TO MOTION REGARDING CUSTODY**   MCL 722.21 et seq., MCR 2.119