



**RESPONSE TO MOTION
REGARDING CUSTODY**

A CASE NO.

Friend of the Court Address
212 PAW PAW STREET, PAW PAW, MI 49079

Court Telephone No.
(269) 657-7734

B

Plaintiff's name, address, and telephone <input type="checkbox"/> moving party
Third Party/Attorney name, address, and telephone <input type="checkbox"/> moving party

v

Defendant's name, address, and telephone <input type="checkbox"/> moving party
Attorney name, address, and telephone

C

1.	a. Is there a current custody order? Yes <input type="checkbox"/> No <input type="checkbox"/>
	b. If yes, date of order:
2.	The Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Third Party Plaintiff <input type="checkbox"/> was ordered to have custody of the child/ren

D

2. I do , do not agree that circumstances have changed as stated in the motion. Explain in detail what you do/do not agree with and why. **BE AS DIRECT AND SPECIFIC AS POSSIBLE AS TO DATES/TIMES AND NAMES OF INDIVIDUALS.** Include all necessary facts. Use additional pages as needed.

E

3. I do , do not agree that circumstances have changed as stated in the motion. Explain in detail what you do/do not agree with and why. (Use additional pages as needed. Include all necessary facts.

F 4. I ask the court to order custody, parenting time, and support as follows. **Be as specific as possible regarding physical and legal custody and the specific parenting time schedule.** You may use a separate sheet to explain in detail what you want the court to order regarding parenting time and support and attach it to the response form.

Physical custody	<input type="checkbox"/> Sole-Plaintiff	<input type="checkbox"/> Sole-Defendant	<input type="checkbox"/> Joint
Legal custody	<input type="checkbox"/> Sole-Plaintiff	<input type="checkbox"/> Sole-Defendant	<input type="checkbox"/> Joint

Parenting time schedule:

G _____
Date

Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this response on the parties or his/her attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Date

Responding party's signature.

FORM 88: RESPONSE TO MOTION REGARDING CUSTODY

Use this form if you receive a copy of a Motion Regarding Custody. By filling out this form, you are answering the statements made in the motion.

INSTRUCTIONS FOR COMPLETING “RESPONSE TO MOTION REGARDING CUSTODY”

PLEASE PRINT or TYPE NEATLY.

Items A through F must be completed 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. Copy the Case number from the Motion Regarding Custody onto the response form.
- B. Also use the motion to fill in the Plaintiff and Defendant boxes and if applicable, the Third-Party box and attorney. The Plaintiff and Defendant will always be according to the initial filing of the action.
- C. Check the appropriate box in 1 if there is/isn't a custody order, and if applicable, the date of the order. 2. If there is a custody order, check the box specific to the party who was granted custody.
- D. Check the agree OR do not agree box. If you agree with what was said in the Motion form, explain in as much detail as possible what you did agree on. If you do not agree, explain in as much detail as possible what you do not agree with. If you need more space, use a separate sheet of paper.
- E. Check the agree or do not agree box if you agree or disagree on establishing or changing custody and parenting time as stated in the motion. Explain in as much detail as possible what you do or do not agree on. If you need more space, use a separate sheet of paper. Explain in as much detail as possible what you would like to see established or changed. If you do not want custody changed explain in detail what you want the court to order.
- F. Check the specific box/es on what you would want the court to order regarding physical and legal custody and write in the open box what parenting time schedule you believe is in the best interest of the child/ren.
- G. Write in today's date and sign your name.

Certificate of mailing: You, the responding party, are responsible to serve a copy of the response on the other party and file the original and copy (for FOC) with the county clerk, if you want your response to be a part of your file and to be available at

the hearing. On the date you mail one (1) copy (and the separate sheets) to the other party, write in the date, and sign your name.

FOC 88 12/23

RESPONSE TO MOTION CHECKLIST

Use the following checklist to make sure you have taken all the steps that are needed. **DID YOU.....**

1. Fill out all the requested information on the response form?
2. Make all necessary copies? **FOUR copies of any attachments.**
3. Mail (serve) a copy of the response on the other party and on any other custodian/guardian?
4. Keep one copy of the response to motion form for yourself?
5. File the original and one copy of the completed form with the clerk of the court at least five (5) days prior to the hearing? Van Buren County Clerk:
212 Paw Paw Street, Paw Paw, MI 49079.

If you cannot answer “yes” to all the above steps, your response may not be heard at the hearing on the motion.

By using this form packet, you are representing yourself in a court action regarding custody. **In order to receive the action you seek, you must follow the instructions in this packet.**

INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the motion and your response along with all supporting papers. Your hearing may take place remotely via Zoom so it is important to file your paperwork timely with the clerk of the court and to serve the other party.

1. 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 response. You can use this list 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 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. If your hearing is scheduled via Zoom, wait in the Zoom waiting room and when the hearing official is ready, he/she will admit you to the virtual hearing room.
5. Do NOT interrupt any hearing in progress. If your hearing is in person, 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 any of the following:

- a) Your name
- b) What your response is to the motion
- c) The facts or reasons for your response
- d) Whether you have witnesses in court who are willing to testify

FOC 88 12/23

Answer the judge’s or referee’s 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 a chance to speak also. When the other party talks, take notes. **DO NOT** interrupt the other party.

NOTE: If your hearing was held before a referee and you do not agree with the referee’s decision, you have 21 days from the date of service of the referee’s recommendation to file an objection and request a de novo hearing before the judge. The Friend of the Court will provide you with the form and instructions for objecting to the Referee’s recommended order and how to schedule an objection hearing.

FOC 88 12/23