

Osceola County Friend the Court
301 West Upton Avenue
P.O. Box 135
Reed City, MI 49677
(231) 832-6131

RESPONSE TO MOTION REGARDING CUSTODY – FOC 88

USE THIS FORM IF:

- You have received a Motion Regarding Custody (FOC 87).

This is your response to the other party and to the court as to the Petition Regarding Custody filed by the other party.

INSTRUCTIONS:

- A. Before you fill in the Case No., get your copy of the Motion Regarding Custody (Form FOC 87) and copy the Case No. 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 this response form.

(The other party is the "moving party". Once you have written both names where they belong, you must check the box "moving party" in the same box as the other party's name.)

- C. **Check only one box.** If you have a judgment or order for custody, divorce, separate maintenance, or paternity, read it carefully to find out if there is any information in it about custody. If there is information about custody, check box a. If there is no information about custody, check box b. If you checked box "a", fill in the date that the judge signed the Order.
- D. Check this box only if you checked box a. in **C** above. Read your court papers for custody, divorce, separate maintenance, or paternity to find out who was ordered to have custody. Write this information here along with the name(s) of the child(ren).
- E. State who the child(ren) are living with now, the address or location where the child(ren) are living, and the date the child(ren) started living there even if it is different than what was ordered.
- F. Check whether you agree or do not agree with what was said in the Motion form (FOC 87). If you check the box "do not agree", **explain in as much detail** as possible what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need to make **3 copies** of this sheet to attach to the copies of this form.

- G. Check whether you agree or do not agree with what was said in the Motion form (FOC 87). If you check the box "do not agree", **explain in as much detail** as possible what you do not agree with and why. The judge or referee will review these causes using factors from the Child Custody Act to determine the best interests of the child(ren). Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need **3 copies** of this sheet to attach to the copies of this form.
- H. Check this box only if **H** is checked on the Motion form (FOC 87). Then check whether you agree or do not agree with what was said in the Motion form (FOC 87). 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. You will need **3 copies** of this sheet to attach to the copies of this form.
- I. If you agree with the request in the Motion (FOC 87), check the 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 why you do not agree with the request in the Motion and what you want the court to order. If you need more space, use a separate sheet of paper. Print your explanation as neatly as you can. You will need **3 copies** of this sheet to attach to the copies of this form.
- J. Write in today's date and sign your name.
- K. On the date that you file this Response, complete the certificate of mailing on all of your copies. **File the original** with the **County Clerk**, a copy with the Friend of the Court Office, mail a copy to the other party along with any attachments, and keep a copy for yourself.

As a reminder you need to have the Response Form turned into the other offices' and mailed to the other party at least 5 days (not including holidays) before the hearing date. You may serve the form by regular, first class mail.

You must attend this hearing. Since you are representing yourself, you are expected to follow the same general rules as an attorney would. It is your responsibility to back up your petition with facts as to why this would be in the best interest of the child(ren). The Friend of the Court Office will not represent you or the other party.

If you feel you need to subpoena someone to attend this hearing follow the procedure in Michigan Court Rule 2.506 or consult an attorney.

After the hearing, the Friend of the Court Referee will make a Recommendation. If no Objection is filed within **21 days** of the proof of mailing, the Recommendation will become an Order of the court.

Approved, SCAO

STATE OF MICHIGAN
49th JUDICIAL CIRCUIT
OSCEOLA COUNTY

RESPONSE TO
MOTION REGARDING CUSTODY

(A) CASE NO.

Court address

301 W. UPTON AVENUE, P.O. BOX 135, REED CITY, MI 49677

Telephone no.

(231) 832-6131

(B) Plaintiff's name, address, and telephone no. moving party

Defendant's name, address, and telephone no. moving party

v

Third party 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.

- (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.

- (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.

- (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.

(J) _____
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 their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(K) _____
Date

Responding party's signature