

**STOP!!!!**

**Everything behind this page must be  
provided to the other party**

**(FOC 51 – Response to Motion re: Support)**

**ALSO:**

**BE SURE TO INCLUDE A COPY OF YOUR MOTION**

## **Form FOC 51**

# **RESPONSE TO MOTION REGARDING SUPPORT**

### **Use this form if:**

- you get a copy of FOC 50, Motion Regarding Support. By filling out this form, you are answering the statements made in the motion.

## RESPONSE TO MOTION CHECKLIST

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

### DID YOU...

1. Fill out all requested information on the form? YES
2. File the response to motion form with the clerk's office? YES
3. Mail (serve) a copy of the response on the other party and on any other custodian/guardian? YES
4. Keep one copy of the response to motion form for yourself? YES

### You must attend the hearing on the motion.

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 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 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 questions about any step in the process, refer to pages 3 through 5 of this booklet for details.**

# INSTRUCTIONS FOR USING FORM FOC 51 RESPONDING TO A MOTION

## FILING A RESPONSE

### 1. Fill out the Response to Motion form.

If you receive a motion and notice of hearing from the other party, you have time before the hearing to respond in writing to the party and the court. Use the instructions on page 5. Since there is only (1) original of this form in this packet, type or print neatly. Be careful not to make mistakes.

### 2. File the Response form with the county clerk.

Take the original to the Marquette County Clerk's office where the motion was filed. The clerk will keep the original and provide a copy to the friend of the court.

What you should have when you leave the clerk's office:

- 1 copy of FOC 51 (with any attachments) for you
- 1 copy of FOC 51 (with any attachments) for the other party.

## SERVING THE RESPONSE ON THE OTHER PARTY OR PARTIES

### 1. Serve the Response (FOC 51) on the other party.

The other party must be served with (notified of) your response at least 5 week days (not including holidays) before the hearing date. Make sure to sign and date the Certificate of Mailing at the bottom of the form. **Serve the papers by mailing them to the other party by regular, first class mail.**

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them.

### 2. Attend the hearing.

You must attend the hearing on the motion.

## INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the motion and your response along with all supporting papers 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 to follow the same general rules as an attorney would.
2. Make a list of information you feel is important for the 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 the judge's court 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. Bring any witnesses with you.
5. Go into the court room and tell the Judge's Administrative Aide or Court Bailiff 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 in the back of the courtroom and wait for your case to be called.
6. When you are called, clearly state the following:
  - 1) your name
  - 2) that you are representing yourself.
  - 3) that you want to respond to the motion for modification of support order or to change the support order.
  - 4) The facts or reasons for your response (**bring papers such as reports that support your facts or reasons including income information such as pay stubs, W-2 forms, income tax forms, etc.**)
  - 5) 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 the 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 a chance to talk. Taking notes will help you with this.

**Please print neatly when completing this form.**

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

**A** Before you fill in the Case No., get your copy of the Motion Regarding Support (Form FOC 50) 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 the 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 information in it about support. If there is information about support, check box a. If there is no information about support, check box b.

**D-F** 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 what support was ordered.

**G-I** Check whether you agree or do not agree with what was said in the motion form (FOC 50). 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 4 copies of this sheet to attach to 4 copies of this form.

**J** Write in today's date and sign your name. Now go to the county clerk's office with the original and 5 copies of this form and the 4 copies of each separate sheet. The clerk will attach 1 copy of each separate sheet to 4 of the copies. The clerk will return 4 copies to you. Read page 3 of this booklet for details on mailing this form to the other party.

**K** On the date you mail 1 copy (and the separate sheets) to the other party, write in the date and sign your name on the response form (FOC-51). See Page 3 for details on mailing this form to the other party.