

37th JUDICIAL CIRCUIT COURT
FAMILY DIVISION
Friend of the Court

**Answer to Motion for Modification of
Custody, Parenting Time and Child Support Orders**

Forms and Instructions

ANSWER TO MOTION REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT

Use this form if:

- You are served with a Motion to Modify Custody, Parenting Time and Support.
- By filling out this form, you are formally answering the statements made in the motion.

By filling in this form and using the instructions, you are representing yourself in a court action regarding custody, parenting time and support. You will be held to the same standard as an attorney in presenting your case. You must formally file an Answer to the motion in order to be assured that the court can consider your position. Simply appearing at the motion hearing may not be sufficient.

Please read all of the instructions before beginning your Answer.

After you fill out the Answer form, you must file it with the Court and serve it on the other party. You will also need to attend the hearing.

INSTRUCTIONS FOR USING THE ANSWER TO MOTION FORM

1. Fill out the Answer to Motion form.

If you receive a motion and notice of hearing from the other party, you need to respond in writing to the party and the court. Use the line by line instructions to complete the Answer form. After you complete the Answer make 3 copies of it.

2. File the Answer form with the Circuit Court Clerk.

Take the original and 3 copies of the Answer to the Circuit Court Clerk at the Justice Center in Battle Creek. The Clerk will keep the original for the court file and one copy. Keep one copy for yourself. Serve the other copy on the opposing party.

3. Certificate of Mailing.

Complete the Certificate of Mailing. Make 3 copies. The Clerk will keep the original for the court file and one copy. Keep one copy for yourself. Serve the other copy on the opposing party.

4. Serve your Answer on the other party.

You must serve the other party with your Answer. You may serve it personally, or by regular, first class mail. If you choose personal service, the party must be served a copy of your Answer at least 3 days before the hearing date. If you serve by ordinary mail, you must mail your Answer at least 5 days before the hearing date. Be sure your Answer is filed timely with the Clerk of the Court.

Pursuant to the Michigan Court Rules (MCR 3.203), **you must mail the Answer to the “legal address” on file with the Friend of the Court.** If you do not know the legal address, you can request that information from the Friend of the Court. You can also send the Answer to a different address if you believe that the FOC address is not correct.

5. Attend the hearing.

You must attend the hearing if you want the court to consider your Answer.

Instructions for Completing Answer to Motion Regarding Custody, Parenting Time and Child Support

Items A through J must be completed before your Answer 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 Case Number.** Obtain your court papers from your case and copy the case number from those court papers onto this form. Be sure that the moving party has correctly identified the case, and copy the Case Number from that paper onto this form.
- B Plaintiff and Defendant.** Refer to your court papers to fill in the "Plaintiff" and "Defendant" boxes and, if applicable, the "Intervening Party" box. The other party is the "moving party" because he or she file the Motion
- C Prior Order.** *Check only one box.* If you have a judgment or order in your case, read it carefully to find out if there is any information in it about custody. If there is information about custody, check box **a** and write in the date of the most recent order on the line provided. If there is no information about custody, check box **b** and skip to item **E**.
- D Current Order.** Complete this section only if you checked box a in **C** above. Read your court papers to find out who was ordered to have custody.
- E Current Living Arrangement for Child(ren).** 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 from what was ordered.
- F Change in Circumstance or Proper Cause.** Check whether you agree or do not agree with what was said in the Motion. 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 and mark the box "separate sheet attached." You will need to attach copies of this sheet to all copies of your Answer form.
- G Request for Custody and/or Parenting Time.** Explain in as much detail as possible what you want the court to order. If you need more space, use a separate sheet of paper and mark the box "separate sheet attached." Print your explanation as neatly as you can. You will need copies of this sheet to attach to the copies of your Answer form.
- H Sign and Date.** Write in today's date and sign your name to your original Answer form.

Make 3 copies of your Answer and attachments. Take your Answer and copies to the Circuit Court Clerk's Office in the Justice Center in Battle Creek. File your Answer and one copy with the Clerk.

- I Certificate of Mailing.** On the date you mail a copy of all pages of your Answer to the other party, write in the date and sign your name on the Certificate of Mailing. The date that you sign the Certificate of Mailing must be the date that you mailed your Answer and attachments to the other party.

Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

B Plaintiff's name, address and telephone no. moving party **v** Defendant's name, address, and telephone no. moving party

Intervening Party's name, address and telephone no. moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

C 1. a. On _____ a judgment or Order was entered regarding custody.
Date
 b. There is no current order for custody.

D 2. The Plaintiff Defendant Intervening party was ordered to have custody of the child(ren) as follows: _____.

E 3. The children have been living with _____ at _____ since _____.
Complete address date

F 4. I agree do not agree that circumstances have changed or 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 if necessary.)
 See separate sheet attached.

G 5. I ask the court to order that custody, parenting time, and support as follows: (Use a separate sheet to explain in detail what you want the court to order, and attach to this Answer) **See separate sheet attached.**

I declare that the above statements are true to the best of my information, knowledge, and belief.

I _____
Date

Responding Party's Signature

STATE OF MICHIGAN 37TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

ATTACHMENT TO ANSWER

4. Continued from page 1.

5. Continued from page 1.

STATE OF MICHIGAN 37TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

B Plaintiff's name, address and telephone no. moving party **v** Defendant's name, address, and telephone no. moving party

Intervening Party's name, address and telephone no. moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

Certificate of Mailing

- I certify that on this date I personally served a copy of this Answer to Motion for Modification of Custody, Parenting Time and Child Support on the other party.

- I certify that on this date I mailed a copy of this Answer to Motion for Modification of Custody, Parenting Time and Child Support on the other party.

I _____
Date

Responding party's signature

ANSWER TO MOTION CHECKLIST

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

DID YOU . . .

1. Fill out and complete all requested information on the form? YES
2. Make 3 copies? YES
3. File the Answer to motion form with the Clerk's office? YES
4. Mail (serve) a copy of the Answer on the other party and on any other legally responsible custodian/guardian or intervening party? YES
5. Return to the clerk's office **after** you mailed the Answer to the other party to file the Certificate of Mailing? YES
6. Keep one copy of your Answer and Certificate of Mailing for yourself? YES

If you cannot answer "yes" to all of the above steps, your Answer may not be considered by the Court.

By using this form packet you are representing yourself in a court action regarding custody, parenting time and child support. To allow the court the ability to consider your Answer you must follow the instructions in this packet.

Note: If the court considers a change in custody, it must also consider a change in the support obligation. The court is required to use the Michigan Child Support Formula in deciding the appropriate amount of support, unless the court finds that using the Formula would be unjust or inappropriate. In order to make a support determination, the court will need the income or earning capacity of each of the children's parents, if they are parties to the underlying court action.