

Form FOC 78

OBJECTION TO PROPOSED ORDER

Use this form if:

- you received notice to enter a proposed order regarding support, parenting time, or custody (form FOC 54) without a hearing and you do not agree with the proposed order.

You must state your objection in writing and file it with the court within 7 days after you receive a copy of the notice (form FOC 54). Objections should be based on good reasons - if your objection is made without grounds, is unreasonable, or is only intended to delay the entry of an order, the court can require you to pay the court costs or attorney fees to handle your objection.

OBJECTION TO PROPOSED ORDER 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. Make all necessary copies? YES
3. File the objection form with the clerk's office? YES
4. Mail (serve) a copy of the objection on the other party and on any other custodian/guardian? YES
5. Return to the clerk's office **after** you mailed the objection to the other party and completed the certificate of mailing? YES
6. Keep one copy of the objection form for yourself? YES
7. Give two copies of the completed form to the clerk of the court? YES

You must attend the hearing on the objection.

If you cannot answer "yes" to all the above steps, a hearing on your objection may be delayed or your objection may be dismissed.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

INSTRUCTIONS FOR USING FORM FOC 78 OBJECTING TO A PROPOSED ORDER

»» FILING AN OBJECTION

If you receive a notice to enter order and do not agree that the proposed order conforms with the decision of the judge, you have 7 weekdays (not including holidays) from the day the notice was mailed to you to respond in writing to the party and the court.

1. Fill out the Objection to Proposed Order form.

Use the instructions on page 6. Be careful not to make mistakes.

Make at least five copies of the form after you have filled it out.

2. File the objections with the county clerk.

Take the original and five copies of the form to the county clerk in the county where the proposed order was filed. The name of the county will be in the upper left-hand corner of the proposed order form. The county clerk will keep the original and one copy and any attachments for the court file and the friend of the court. Then the clerk will return four copies and remaining attachments to you. Do not lose them.

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

- One copy of FOC 78 (with any attachments) - for you
- One copy of FOC 78 (with any attachments) - for the other party
- One copy of FOC 78 - for proof of service to the court
- One copy of FOC 78 - for proof of service to the friend of the court

»» SERVING THE OBJECTION ON THE OTHER PARTY OR PARTIES

1. Serve the objection on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served (notified) with the objection immediately.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

- One copy of FOC 78 (with any attachments) - for the other party
- Two copies of FOC 78- for proof of service
- Any additional copies of FOC 78 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail one copy with attachments to the other party. If there is a custodian or guardian, mail one copy and the attachments to him/her. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Attend the hearing.

The other party will schedule a hearing to settle the order. You will be notified of the hearing date. You must attend the hearing.

INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the proposed order. Also bring all supporting papers and any witnesses who are willing to testify.

1. Because 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 think is important for the judge to know. The information should relate to the reasons stated in your objection. You can use this list as a reminder to bring up the points you think are important.
3. If you think 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 courtroom on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. If you are responsible for preparing the order, bring all copies of your order form.
6. Go into the courtroom and tell the clerk (sitting near the judge's bench) 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.

7. When you are called, go to the podium and clearly state the following:

- 1) your name.
- 2) that you are representing yourself.
- 3) that you are objecting to a proposed order.
- 4) the facts or reasons for your objection (**bring any supporting papers with you**).
- 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.

8. 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 another chance to talk. Taking notes will help you with this.
9. After the judge makes a decision, the other party is responsible for preparing the order (using the instructions in the packet for FOC 53 or FOC 54) even if it is not what was asked for.

INSTRUCTIONS FOR COMPLETING "OBJECTION TO PROPOSED ORDER"

Use this form if you are a party to an action and you have received notice to enter a proposed order (Form FOC 54) that you disagree with. By completing this form and filing it with the court, you are asking for a hearing to settle the matter. You must fill out this form and file it with the county clerk within 7 days after you receive a copy of the notice (Form FOC 54).

Please print neatly. After filling in the form, you will need to make at least five copies.

Items A through E must be completed before your objection can be filed with the court. Please read the instructions for each item. Then fill in the correct information for that item.

- A** Copy the "Case No." from the Notice (form FOC 54) onto this form.
- B** See the court papers mentioned above to fill in the "Plaintiff" and "Defendant" boxes and if applicable the "Third Party" box. Copy your names from these court papers on 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 form.

You are the "moving party." Once you have written both names where they belong, you must check the box "moving party" in the same box as your name.
- C** Write in the date the notice (form FOC 54) was signed. The date will be at the bottom of the notice.
- D** Explain in as much detail as possible why you disagree with the proposed order.
- E** Write in today's date and sign your name. Read pages 3 and 4 of this booklet for details on mailing this form to the other party.
- F** On the date you mail one copy to the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies. Read page 4 of this booklet for details.

What happens next:

- You will be notified when to attend the hearing. For information about the hearing, see pages 4 and 5 of this booklet.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

OBJECTION TO PROPOSED ORDER

(A)

CASE NO.

Court address

Court telephone no.

(B)

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

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

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

I received a notice to enter a proposed order without a hearing dated **(C)** _____
I object to the entry of the proposed order and request a hearing by the court. My objection is based on the following reason(s):

(D)

(E)

_____ Date

_____ Moving party's signature

_____ Name (type or print)

CERTIFICATE OF MAILING

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

(F)

_____ Date

_____ Signature of objecting party