

Form FOC 61

OBJECTION TO EX PARTE ORDER

Use this form if:

- you have been served with an ex parte order (an order entered without a hearing) for support, parenting time, or custody; **and**
- you want to object to and change or cancel that order.

If you want to object to and change or cancel the ex parte order, you must file an objection within 14 days after you are served with the ex parte order.* After you file the objection, the friend of the court (FOC) is required to try to resolve the dispute within 14 days.

If the FOC cannot resolve the dispute, it will give you a motion form and instructions if you will represent yourself. The FOC will reschedule any hearing date it canceled or schedule a hearing within 21 days of your motion to rescind or modify the order being filed.

*Page 3 has more information on the deadline for filing your objection form.

OBJECTION 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. Complete the certificate of mailing and make at least three copies of the objection with attachments? YES
3. Mail a copy of the objection to the other parent and to any other custodian/guardian? YES
4. Give the original and one copy of the completed form to the clerk of the court (for the court and for the FOC)? YES
5. Keep one copy of the completed objection form for yourself? YES

By using this form packet you are representing yourself in a court action regarding an ex parte support, parenting time, or custody order. 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 relief you want.**

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

INSTRUCTIONS FOR USING FORM FOC 61 OBJECTION TO EX PARTE ORDER

»» COMPLETING, SERVING, AND FILING THE OBJECTION FORM

1. Deadline.

You must file your objection to the ex parte order no more than 14 days after the date you are served (officially notified). If the order is mailed to you, the 14-day period begins when the envelope is mailed, not when you receive it. Other types of service, like hand-delivery, generally run from the date you are given the order or it is left at your home with a suitable person.

All items must be completed before your objection can be filed with the court.

2. Fill in the Objection form.

Please print neatly. Read the instructions for each item. Then fill in the correct information for that item on the form.

Heading. Get your court papers for divorce, separate maintenance, family support, or paternity and copy the Case No. from those court papers onto this form. Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes. Copy the names from these court papers 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 form.

Item 1. You are the "party filing objection." Write in your name. In the next blank put the date you were mailed or served with the ex parte order. In the last blank, write in the date of the ex parte order. This is usually next to the signature of the judge at the bottom of the order.

Item 2. List the specific parts of the orders that you object to in the first space: for example, the support provisions of the ex parte order. In the next space, explain why you object to each part of the order listed in the first space. If you need more space, use a separate sheet of paper. Make sure additional sheets are mailed to the other party with your objection and get filed with the court and friend of the court copies.

Write in today's date and sign your name at the bottom of page 1 of the objection form. Instructions for completing page 2, Certificate of Mailing, are below.

3. Serve the Objection on the other party.

On the date you are mailing the objection to the other parent, and/or other party if there is a custodian or guardian other than than a parent, sign and date the certificate of mailing and then make at least three copies of the form and any attachments. Serve the papers by mailing them by first-class mail.

4. File the Objection with any attachments with the court clerk.

There is no filing fee.

Take the original and copies of the form to the court clerk in the county where your case is located. The clerk will keep the original and one copy of the motion for the court file and the FOC. The remaining copy is for your records.