

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

RESPONSE TO MOTION REGARDING SUPPORT – FOC 51

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 by the other party.

It is your responsibility to provide supporting facts for your response. You will need to submit 5 days prior to the hearing date **COPIES** of the last 2 years of income tax returns (all pages), W-2 forms, 4 current pay check stubs, copies of any/all medical insurance cards issued for the benefit of your child(ren).

INSTRUCTIONS:

- A. Before you fill in the Case No., get your copy of the Motion Regarding Support (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 divorce, separate maintenance, paternity, or family support, read it carefully to find out if there is any 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 these boxes only if you checked box a. in "C" above. Read your court papers for divorce, separate maintenance, paternity, or family support to find out who was ordered to pay support, how much, and how often. Write this information here.

- G. Check this box only if "G" is checked on the Motion form (FOC 50). Then 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 **3 copies** of this sheet to attach to **3 copies** of this form).
- H. Check this box only if "H" is checked on the Motion form (FOC 50). Then 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 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 **3 copies** of this form).
- I. Check this box only if "H" is checked on the Motion form (FOC 50). Then 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 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 **3 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 clerk's office, a copy goes to the Friend of the Court Office, mail 1 copy to the other party, and keep one copy for yourself.

The Response to the Motion Regarding Support along with copies of any separate sheets need to be mailed to the other party at least **5 weekdays** (not including holidays) before the hearing date.

You must attend this hearing. Since you are representing yourself, you are expected to follow the same general rules as an attorney would. If you feel you need to subpoena someone to this hearing you will need to follow the procedures in the Michigan Court Rule 2.506 or consult an attorney.

THE FRIEND OF THE COURT OFFICE WILL NOT REPRESENT YOU OR THE OTHER PARTY.

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.

STATE OF MICHIGAN
49th JUDICIAL CIRCUIT
OSCEOLA COUNTYRESPONSE TO
MOTION REGARDING SUPPORT

A

CASE NO.

Court address

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

Court telephone no.

(231) 832-6131

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

Third party name, address, and telephone no. ☐ moving party

v

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

- C** 1. ☐ a. On _____ a judgment
Date
or order was entered regarding support.
☐ b. There is currently no order regarding support.

- D** ☐ 2. The ☐ plaintiff ☐ defendant is ordered to pay support of \$ _____ each _____ .
week, month, etc.
- E** ☐ 3. The ☐ plaintiff ☐ defendant is ordered to pay child care of \$ _____ each _____ .
week, month, etc.
- F** ☐ 4. The ☐ plaintiff ☐ defendant is ordered to pay health care of \$ _____ each _____ .
week, month, etc.
- G** ☐ 5. I ☐ agree ☐ do not agree that conditions regarding support 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.

- H** ☐ 6. I agreed with the other party to start/change 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 that support be paid as follows:
If you do not agree with the request in the motion, 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

The 18th PROBATE COURT & 49th CIRCUIT COURT - FAMILY DIVISION

MECOSTA COUNTY
Mecosta County Courthouse
400 Elm Street
Big Rapids, MI 49307
Phone: (231) 592-0135
Fax: (231)-592-0191

Honorable Tyler Thompson
Probate and Family Court Judge



OSCEOLA COUNTY
Osceola County Courthouse Annex
410 West Upton
Reed City, MI 49677
Phone: (231) 832-6127
Fax: (231) 832-6181

POLICY ON DE NOVO JUDICIAL HEARINGS FOLLOWING OBJECTIONS TO FOC REFEREE RECOMMENDATIONS

This policy is adopted by the Family Division of the 49th Circuit Court, pursuant to MCL 552.507 and MCR 3.215, to avoid duplicative litigation and conserve resources of litigants and of the Court:

1. Request for De Novo Hearing: Following referee hearings in domestic relations matters, a party wishing to object to any recommendation made by the Referee shall, within 21 days after the recommended interim order is served on the parties, file a written objection with the Clerk, obtain a judicial hearing date and serve copies of the written objection and notice of hearing on the opposing party and Friend of the Court. *In order to schedule a hearing, you must contact the judicial scheduling clerk at 231-592-0135 ext. 2.*

- a. **Service:** The objecting party shall serve copies of the written objection and notice of hearing on the opposing party and on the Friend of the Court.
- b. **Contents:** The Objection shall include a clear and concise statement of specific errors of law or clearly erroneous findings of fact made at the Referee hearing. Matters not specifically objected to will not be considered by the Court. Objection forms will be made available at the FOC office.
- c. **Transcripts:** The objecting party shall contact the office of the Friend of the Court to request preparation of a transcript of the referee hearing. The transcript shall be submitted to the court for review prior to the scheduled *de novo* hearing. Unless waived by the court pursuant to paragraph 4, the costs of transcription shall be paid in full by the objecting party before the transcript is prepared. If payment in full is not received at least 2 weeks prior to the scheduled judicial hearing, the objection will be deemed withdrawn and the hearing will be cancelled.
- d. **Pre-Hearing Conference:** Upon request, the Court may schedule a pre-hearing conference, as necessary to advance the purpose of this policy.

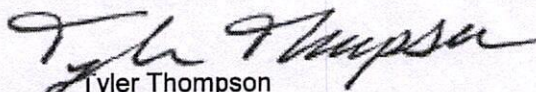
2. Scope and Form of Review: The Court will consider the case file, the written objections and Referee hearing transcript to determine the scope and form of its *de novo* review. Depending on the circumstances of each case, the court's review and decision may:

- a. Be based entirely upon the record of the referee hearing (including exhibits and any memoranda, recommendations, or proposed orders by the referee); or
- b. Be based in part on the entire record of the Referee hearing, supplemented by relevant new evidence that was not introduced at the referee hearing (see 3, below), or
- c. Be based entirely upon evidence presented at a "live" judicial hearing.

3. Supplementing the Record: Requests to supplement the record shall include an affidavit or sworn statement stating the substance of the proposed new evidence and establishing that it was not available at the time of the referee hearing. On a sufficient showing, a "live" judicial hearing may be held to supplement the record with such new evidence. Alternatively, the Court may remand the matter to the Referee to supplement the record.

4. Transcription Costs. Indigence: If the objecting party prevails, the cost of the transcript may be apportioned equally between the parties; if the de-novo hearing fails to change the outcome of the Referee hearing, the cost is completely assumed by the party who sought the judicial hearing. On a showing of indigence, the Court may waive the transcription costs incurred or apportioned to any party.

5. Frivolous Objections: If the court determines that an objection is frivolous or has been interposed for the purposes of delay, the court may assess reasonable costs and attorney fees. MCR 3.215(F)(3); MCR 2,114(E), (F); MCL 600.2591.


Tyler Thompson
Presiding Judge
49th Circuit Court, Family Division