

**RESPONSE TO
PETITION REGARDING CUSTODY
SAGINAW COUNTY FRIEND OF THE COURT**

FORM 40

Use this Response if:

- You get a copy of the Petition Regarding Custody. By filling out this response, you are answering the statements made in the Petition.

RESPONSE CHECKLIST

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

DID YOU...READ THE INSTRUCTIONS FIRST?

1. Fill out all requested information on the Response? YES
2. Make all the necessary copies? YES
3. File the Response to Petition with the
Circuit Court Clerk's office?
(located in the basement of the Courthouse) YES
4. Mail (serve) a copy of the Response on the other party? YES
5. Return to the Clerk's office **after** you mailed the Response
and completed the certificate of mailing? YES
6. Keep one copy of the Response for yourself? YES
7. Give 1 copy of the completed Response to the
Circuit Court Clerk with the Completed Certificate of Mailing? YES
8. Deliver 1 copy of the completed Response to the
Friend of the Court with the Completed Certificate of Mailing? YES

If you cannot answer "YES" to all of the above steps, your Response may not be considered as part of the Investigation.

By using this Response packet you are representing yourself in a Court action regarding custody. 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 custody you want.

If you have any question about any steps in the process, refer to page 3 through 5 of this packet for details.

The Friend of the Court does **NOT** represent either party. In preparation for the Investigation, each party is encouraged to review the **CHILD CUSTODY ACT**, which may be obtained from the state court administrator's office (989-373-8289) or the public library. The Friend of the Court is **NOT** authorized to give the parties legal advice or assist in filing this Response. Either party may hire an attorney during any point in the process.

INSTRUCTIONS FOR FILING A RESPONSE

⇔ FILING A RESPONSE

1. **Fill out the Response.**

Use the document on page 6. Use the instruction on page 5. Since there is only an original of the Response in this packet, type or print neatly, using a black or blue pen. Be careful to not make mistakes. (THIS IS A COURT DOCUMENT)

Make at least 4 copies of the Response after you have filled it out.

2. **File the Response form with the Circuit Court Clerk (located in the basement of the Courthouse).**

Take the original and 4 copies of the Response to the Circuit Court Clerk.

The Clerk will keep the original true copy of the Response and any attachments for the Court file and stamp "True Copy" on all other copies.

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

- 1 Copy of the Response (with any attachments)- for you
- 1 Copy of the Response (with any attachments)- for the other party
- 1 Copy of the Response (with any attachments)-for the Court
- 1 Copy of the Response (with any attachments)-for the Friend of the Court

INSTRUCTIONS FOR SERVING A RESPONSE

⇔ SERVING THE RESPONSE ON THE OTHER PARTY OR PARTIES

1. Serve the Response on the other party.

YOU MUST SERVE (NOTIFY BY MAIL) the other party of your Response.

What you need for service:

- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for you.
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the other party.
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the Court.
- 1 Copy of the Response (with any attachments)-with the Completed Certificate of Mailing for the Friend of the Court.

Fill out the Certificate of Mailing (date and sign) on the copies of the Response. Mail one copy to the other party.

NOTE: Serve the papers by mailing them to the other party by regular, first class mail. **THE DATE ON THE CERTIFICATE OF MAILING MUST BE THE DATE YOU MAILED THE RESPONSE TO THE OTHER PARTY.**

2. Return to the County Clerk

Once you have mailed the Response to the other party return to the Circuit Court Clerk's office. You will have three copies with the completed certificate of mailing. Give the Circuit Court Clerk one copy for the Court file. Keep 1 copy for your own records. You **MUST** deliver a copy directly to the Friend of the Court office.

INSTRUCTION FOR COMPLETING “RESPONSE REGARDING CUSTODY”

Please print neatly. After filling in the Petition, you will need to make at least 5 copies.

Items A through J must be completed before your Response can be filed with the Court. Please read the instruction for each of them. Then fill in the correct information for that item on the Response.

- A. Before you fill in the Case No., get your copy of the Petition Regarding Custody and copy the Case No. from that paper onto this form.
- B. Also use the Petition to fill in the “Plaintiff” and the “Defendant” boxes. Copy the names from these court papers onto this Response. For example, if your name is in the box that says “Plaintiff” on the original court document, then you should write your name in the “Plaintiff” box on this form.
- C. **Check only one box.** If you have a judgment or order for divorce, separate maintenance, or paternity, read it carefully to find out if there is any information in it about custody.
- D. Check this box if you checked box a. in **C.** above. Read your Court papers for custody, divorce, separate maintenance, or paternity to find out who was ordered to have custody. Write this information here along with the names of the child(ren).
- E. 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 different than what was ordered.
- F. Check whether you agree or do not agree with what was said in the Petition. 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. You will need 4 copies of this sheet to attach to the 4 copies of the Response.
- G. Check whether you agree or do not agree with what was said in the Petition. 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. You will need 4 copies of this sheet to attach to the 4 copies of the Response.
- H. Check this box only if **H.** is checked in the Petition. Then check whether you agree or do not agree with what was said in the Petition. If you check the box “do not agree”, **explain in as much detail** as possible what you did agree on. Print this information as neatly as you can. You will need four copies of this attachment to attach to copies of this Response.
- I. If you agree with the request in the Petition, check box a. If you do not agree with the request check box b. If you checked box b, **explain in as much detail** as possible why do not agree with the request in the Petition and what you want the Court to order. Print this information as neatly as you can. You will need four copies of this attachment to attach to copies of this Response.
- J. Write in today’s date and sign your name.

Make 4 copies of this Response form and go to the Circuit Court Clerk. Read page 3 of this packet for details.

STATE OF MICHIGAN 10TH JUDICIAL FAMILY DIVISION 111 S. MICHIGAN SAGINAW, MI 48602	RESPONSE REGARDING CUSTODY	<u>A.</u> CASE # _____
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B.

Plaintiff's name, address, city, state and zip.	v	Defendant's name, address, city, state and zip.
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C. 1. a. On _____ a judgment or Order was entered regarding custody.
Date

b. There is currently no order regarding custody

D. 2. The Plaintiff Defendant was ordered to have custody of the following child(ren):

E. 3. The child(ren) listed above have been living with _____ since _____.

Name(s)

Complete Address Date

F. 4. I agree do not agree that circumstances have changed as stated in the Petition.
 Explain in detail what you do not agree with and why. Use a separate sheet if necessary.

G. 5. I agree do not agree that proper cause exists as stated in the Petition.
 Explain in detail what you do not agree with and why. Use a separate sheet if necessary.

H. 6. I agreed with the other party to custody and parenting time:

a. exactly as stated in the Petition.

b. but not as stated in the Petition.

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 Petition.

b. I do not agree with what is being asked for in the Petition and ask the Court to order custody and parenting time as follows.

If b. is checked, explain in detail why and what you want the Court to order. Use a separate sheet of paper if needed.

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

J. _____ _____

Date Responding Party's signature

CERTIFICATE OF MAILING

I certify on this date I mailed a copy of this response on the other party by ordinary mail at the above address.

_____ _____

Date Responding Party's signature