|  |
| --- |
| Respond to a "Motion Regarding Child Support" |

Congratulations {{ users }}! You have finished all the forms you need to respond to a "Motion Regarding Child Support". The rest of the pages in this packet are your [answer/motion] {% if other\_parties.number() %}in **{{ users }} v {{ other\_parties }}{%** endif %}.

## Prepare your form and find out how you will file

Some of the other steps may have slightly different information for you depending on how you will file with the court. Each court decides how it will accept documents for filing. Contact your court to find out which methods are available. Depending on your court, you may be able to file by:

* In-person filing
* E-mail
* E-filing using MiFILE
* Mailing or dropping off documents

You can find contact information for your court on the [Courts & Agencies page](https://michiganlegalhelp.org/node/217) of Michigan Legal Help.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some  
case types. The State Court Administrative Office keeps a [chart of courts that use e-filing](https://www.courts.michigan.gov/siteassets/mifile/mifilecourtlist.pdf). To learn more,  
read [What Is E-Filing?](https://michiganlegalhelp.org/node/11056).

## **Make copies and file your response with the court clerk**

If you will be filing in person at the court clerk's office, make five copies of the form and any attachments.

**I****f you will be filing either by e-mail or using MiFILE, you will not need to make copies.**

**Please note that completing the documents on Michigan Legal Help or LawHelp Interactive does not file anything with the court.**

Contact your court to find out which filing methods are available. Depending on your court, you may be able to file electronically. To learn more about filing methods that may be available, read [“Prepare your form and find out how you will file”](#_toc18).

File your Response to Motion Regarding Support. If you are filing in person or need contact information for the court, click on [Courts & Agencie](https://michiganlegalhelp.org/node/217)s for the address and phone number of the court.

If you are filing in person at the court clerk's office, give the clerk the original form and all the copies.The clerk will keep the original and one copy for the [Friend of the Court](https://michiganlegalhelp.org/taxonomy/term/172). The clerk will return the other copies to you.

## **Serve the other payrt with the response**

You must serve (send) a copy of your Response to Motion Regarding Support to the other party. If the other party has a lawyer, send the papers to the lawyer instead. If there is a third party in your case, you must serve them also.

You must serve documents electronically if you can and if the other party has access to e-mail. If you or the other party can't do this electronically, or if you are not sure, you can serve by regular mail. If you serve by mail, send the papers to the other party’s last known address.

If you are using MiFILE to file documents electronically, your documents will be served electronically as long as the other party is also using MiFILE. If the other party is not using MiFILE, you will need to serve the documents by e-mail, if possible, or by regular mail if electronic options are not available.

[MiFILE](https://mifile.courts.michigan.gov/) is only available for some courts. Even in courts where it is available, you can only use it for some case types. The State Court Administrative Office keeps a [chart of courts that use e-filing](https://www.courts.michigan.gov/siteassets/mifile/mifilecourtlist.pdf). To learn more, read [What Is E-Filing?](https://michiganlegalhelp.org/node/11056).

Service must be completed at least **5 days** before the hearing date if you mail the Response or at least **3 days** before the hearing date if it is personally delivered or served through MiFILE. If you are serving through e-mail, the court rule is not clear about the timeline. To be on the safe side, complete service at least 5 days before the hearing date.

If you are serving documents by e-mail, keep the following rules in mind:

* All documents must be in PDF format;
* The e-mail subject line must include the name of the court, case name, case number, and the title of each document being sent;
* If you e-mail a document at or before 11:59 p.m., it is considered served on that day. If you send the e-mail on a Saturday, Sunday, or legal holiday, it is considered served on the next business day;
* Do not delete any e-mails you send to the other party, especially e-mails that served court  
  documents. You must keep a record of sent items until a judgment or final order is entered and all appeals have been completed.

## **Complete and file a Proof of Service**

Complete the Certificate of Mailing on one copy of the Response to Motion Regarding Support if you will be filing it electronically. If you will be filing in person or by mail, complete the Certificate of Mailing on all three remaining copies of the Response. File two copies, and keep one copy for your records.

If you served the other party electronically, cross out the part of the Certificate of Mailing that says “by first-class mail addressed to the last-known addresses as defined in MCR 3.203” and write in how you served your documents. If it is by e-mail, be sure to include the e-mail address that you used. For example, you could write “I served this document by e-mail to [emailaddress@email.com](mailto:emailaddress@email.com).”

**If you served the other party using MiFILE, you will not need to file a Certificate of Mailing. MiFILE will create and file a Proof of Service for you.**

## **Attend the hearing**

These are brief instructions about attending your [court hearing](https://michiganlegalhelp.org/taxonomy/term/169). To learn more about going to court, watch the [Going to Court video](https://michiganlegalhelp.org/node/1521).

Go to the hearing location on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes before your scheduled hearing time. Tell the clerk your name, that you are there for a hearing, and that you are representing yourself. Follow the clerk’s directions and do not interrupt any hearing in progress.

**Bring to your court hearing an original plus two copies of any document you wish the court to consider when making a decision in your case.**

When your case is called, go where you are directed. The other party will speak first because it‘s their [motion](https://michiganlegalhelp.org/taxonomy/term/418). Take notes when the other party talks. Don’t interrupt the other party. After the other party speaks, you will have a chance to talk. Taking notes will help you with this.

When it’s your turn to speak, be prepared to state:

* Your name
* That you are representing yourself
* The facts or reasons for what you asked for in your response (bring papers showing your income such as pay stubs, W-2 forms, income tax forms, child care expenses, health care expenses, etc.)
* Whether you have witnesses in court who are willing to testify

Clearly and directly answer any questions the judge asks. If the judge wants to hear from your witnesses,  
ask them to say what they saw or know about the situation.

Your case may have one of the following outcomes:

* The other party's motion could be granted, and you could get a Uniform Child Support Order  
  that awards child support or changes the amount of child support;
* The other party's motion could be denied, and the existing Uniform Child Support Order could  
  stay in place.

If the judge makes a decision at the hearing, they will probably sign an order at that time. You will get a  
copy of the order.

The judge may not make a decision at the hearing. Instead, the judge might refer the motion to the [Friend of the Court (FOC)](http://michiganlegalhelp.org/taxonomy/term/172) or schedule a trial. In some counties, you may meet with a FOC referee instead of a judge. If the FOC makes a recommendation in your case, or if a referee makes a recommended order, the judge will consider it. Either type of recommendation can become a final order in your case, but you will have a chance to object to it before that can happen.