

Notice to Enter Order Without Hearing

Use this form if you want to get a proposed order regarding support, parenting time or custody signed without a hearing.

(Form FOC 54)

NOTICE TO ENTER ORDER WITHOUT HEARING 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. Prepare the "proposed order"? YES
3. Make all necessary copies? YES
4. File the notice form and "proposed order" with the clerk's office? YES
5. Mail (serve) a copy of the notice and proposed order on the other party and on any other custodian/guardian? YES
6. Return to the clerk's office **after** you mailed the notice and "proposed order" to the other party and completed the certificate of mailing? YES
7. Keep one copy of the notice form and "proposed order" for yourself? YES
8. Give two copies of the completed form to the clerk of the court? YES

See page 4 for more instructions.

If the proposed order was signed by the judge, **DID YOU . . .**

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

If you cannot answer "yes" to all the above steps, your order may not be signed by the judge or you may not have a valid order.

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 54
ENTERING AN ORDER WITHOUT HEARING**

»» PREPARING AND FILING A NOTICE OF ENTRY OF ORDER

1. Fill out the Notice to Enter Order Without Hearing form.

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

Make at least five copies of this Notice to Enter form after you have filled it out.

2. Prepare the "proposed" order.

Make four copies of the completed order form FOC 52, 67, or 89 and write "Proposed Order" on the top of all four of these copies. Attach one copy each of the proposed order to four of the copies of the "notice."

3. File the Notice to Enter Order Without Hearing form with the county clerk.

Take the original and all five copies of this form (FOC 54) with the attached copies of the proposed order to the county clerk in the county where your case is located.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the notice and the proposed order for the court file and the friend of the court. Then the clerk will return four copies and any remaining attachments to you. Do not lose them.

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

- One Copy of FOC 54 (with copy of proposed order) - for the other party
- One Copy of FOC 54 (with copy of proposed order) - for you
- One Copy of FOC 54 - for proof of service to the court
- One Copy of FOC 54 - for proof of service to the friend of the court

»» SERVING THE NOTICE ON THE OTHER PARTY OR PARTIES

1. Serve the Notice on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) notice to enter an order without hearing within 7 days after the judge's order (the day of the hearing on the motion).

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

What you need for service:

One Copy of FOC 54 (with copy of proposed order) - for the other party
Two Copies of FOC 54 - for proof of service
Any additional copies of FOC 54 (with copy of proposed order) - 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 of the notice with the proposed order to the other party. If there is a custodian or guardian, mail one copy of the notice and proposed order to them. 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 notice and copy of the proposed order and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies of FOC 54. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

»» SIGNING OF THE ORDER

1. Objections filed by other party or parties.

If the other party files written objections, you must schedule a hearing and fill out form FOC 53. **(Use the packet for form FOC 53, Notice of Hearing to Enter Order.)**

2. No objections filed by other party or parties.

If no objections are filed by the other party within 7 days after you mailed FOC 54 to him or her, take the original order FOC 52, 67, or 89 to the county clerk. You may want to make a copy for yourself first.

If the judge agrees with what the order says, the order will be signed and the clerk will send notice to you that the order is signed and can be picked up. Go to step 3 below.

If no objections are filed by the other party but the judge does not agree with what the order says, the clerk will send notice to you and the other party to come to court on a specific date to get the order corrected and signed. After the order is signed, go to step 3 below.

3. Pick up signed order.

After you have been notified that the order has been signed or you have come to court to get the order corrected and signed, pick up the order as directed by the court.

4. Make five copies of signed order.

5. Return to the county clerk.

Once you have the original signed order and made five copies, return to the county clerk's office. The clerk will stamp the order, keep the original and one copy and return the other four copies to you. The county clerk will deliver one copy to the friend of the court.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) one copy of the signed order.

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

What you need for service:

One Copy of FOC 52, 67, or 89 - for the other party
Two Copies of FOC 52, 67, or 89 - for proof of service
Any additional copy of FOC 52, 67, or 89 - 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 to the other party. If there is a custodian or guardian, mail one copy to them. 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.

After you have mailed the order 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 clerk will deliver one copy to the friend of the court.

INSTRUCTIONS FOR COMPLETING "NOTICE TO ENTER ORDER WITHOUT HEARING"

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

Items A through D must be completed before your notice can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Before you fill in the Case No., get your copy of the motion regarding support, parenting time, or custody 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.

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** Fill in the date the hearing was held on your motion.
- D** Write in today's date and sign your name.

Now follow the instructions on page 3 of this booklet.

Read page 3 of this booklet for details on mailing this form to the other party.

- E** On the date you mail one copy (and the separate sheets) 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 3 of this booklet for details.

You must read this booklet for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**NOTICE TO ENTER ORDER
WITHOUT HEARING**

(A)

CASE NO.

Court address

Court telephone no.

(B)

Plaintiff's name moving party

Third party's name moving party

v

Defendant's name moving party

(C)

1. On _____ a hearing was held on a motion regarding _____
Date Type of order
and a decision was made.

2. The attached proposed order states what the judge or referee said at the hearing.

3. This is your notice that the proposed order will be given to the judge to sign. If you do not think that the order accurately states what was ordered in court, you must file your written objections with the court within 7 days of the date this notice was mailed. A form to use for filing objections is available at the friend of the court office. Contact the friend of the court and ask for form FOC 78.

4. If you do not file written objections to the proposed order within 7 days of the date of this notice, the judge may sign the proposed order without a hearing. If the judge decides that a hearing is needed, you will be notified of the hearing date.

5. If you file written objections to the proposed order, a hearing will be scheduled. You will be notified of the hearing date.

6. Parties may be represented by their attorneys in this matter.

(D)

Date

Signature of moving party

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice of proposed order on the other party(ies) or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(E)

Date

Signature of moving party