

Form FOC 62

ORDER MODIFYING EX PARTE ORDER

Use this form if:

- you had a hearing on your Objection to Ex Parte Order and Motion to Rescind or Modify (form FOC 61) and both you and the other party or third party agree to sign the order without another hearing;
- or
- you had a hearing on your Objection to Ex Parte Order and Motion to Rescind or Modify (form FOC 61) and the other party or third party will not sign the order.

ORDER 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. Make all necessary copies? YES
3. Get the judge's signature? (NOTE: See pages 3-4 for details) YES
4. Return to the clerk's office with **all** copies of the signed order? YES
5. Make sure the clerk stamps all copies of the signed order? YES
6. Keep one copy of the signed order for yourself? YES
7. Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? YES
8. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, you do not have a valid order.

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 pages 3 through 4 of this booklet for details.

INSTRUCTIONS FOR GETTING THE ORDER SIGNED AFTER A HEARING

»» SIGNING AND FILING OF AN ORDER

1. Fill out the order form.

Normally you will fill out the order at the hearing on the motion. Use the instructions on page 4. Be careful not to make mistakes.

Make copies of the form based on the instructions in booklets for forms FOC 53 or FOC 54 depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by it. Then complete either step a. or b. below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call them to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.
- b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order signed by the judge.

After you have filled out the order, you must get it signed by the judge. **If both you and the other party sign the order to show you both approve the order, then contact the friend of the court office to find out how to get the order signed by the judge. Otherwise** you must do either of the following:

- a. Schedule and attend a hearing to get the order signed.
(Use the packet for form FOC 53, Notice of Hearing to Enter Order.)
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed. **(Use the packet for form FOC 54, Notice to Enter Order Without Hearing.)**

INSTRUCTIONS FOR COMPLETING "ORDER MODIFYING EX PARTE ORDER"

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

Items A through H must be completed before the order can be given to the judge for signature. 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 (form FOC 61) or your court papers for divorce, annulment, separate maintenance, or paternity. Copy the Case No. from that paper onto this form.
- B** Also use the motion or other court papers to fill in the "Plaintiff" and "Defendant" boxes. Copy the names from the motion or other 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 order form.
- C** Fill in the date of the hearing and the name of the judge or referee who heard your objection and motion (form FOC 61).
- D** Check the boxes that say what the judge or referee ordered at the hearing on the motion. Then write in the blank space provided what the judge or referee ordered at the hearing. This information must state as closely as possible the exact words of the judge or referee. Use the notes you took at the hearing when filling out this part of the order form. Make sure the Uniform Support Order is completed and attached (form FOC 10/52).
- E** Check this box if the judge or referee ordered something else. This information must state as closely as possible the exact words of the judge or referee. Use the notes you took at the hearing when filling out this part of the order form.
- F** Write in the date that the order is to take effect (when the provisions in the order are to begin).
- G** If you filed an objection and motion (form FOC 61) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign here. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

To find out how to get the order signed, contact the friend of the court office for instructions. See page 3 of this booklet for details.
- H** On the date you serve a copy on the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies.

You must read this booklet and other booklets dealing with orders for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

ORDER MODIFYING EX PARTE ORDER

(A)

CASE NO.

Court address

Court telephone no.

(B)

Plaintiff's name, address, and telephone no.

Attorney:

v

Defendant's name, address, and telephone no.

Attorney:

Please print or type information.

(C)

On _____ ,
Date of hearing

Judge/Referee

found that the ex parte order should be modified.

IT IS ORDERED:

(D) 1. Custody Parenting time is changed to:

2. Support is changed. The Uniform Support Order is incorporated by reference.

(E) 3. Other: (See attached.)

(F) 4. The changes made in this order shall start on _____ .
Date

5. Except as changed in this order, all other provisions of the ex parte order shall remain in effect until further order of the court.

(G)

Plaintiff's signature (approved as to form and content)

Defendant's signature (approved as to form and content)

Date

Judge Bar no.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(H)

Date

Signature