

Form FOC 53

NOTICE OF HEARING TO ENTER ORDER

Use this form if:

- a hearing is required to get an order regarding support, parenting time, or custody signed, or
- you want a hearing to get an order regarding support, parenting time, or custody signed.

NOTICE OF HEARING TO ENTER 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. File the notice of hearing form with the clerk's office? YES
4. Mail (serve) a copy of the notice on the other party and on any other custodian/guardian? (**Note:** the other party must receive the notice of hearing at least 9 days before the hearing.) YES
5. Return to the clerk's office **after** you mailed the notice to the other party and completed the certificate of mailing? YES
6. Keep one copy of the notice for yourself? YES
7. Give two copies of the completed form to the clerk of the court? YES

You must attend the hearing on the notice to enter order.

After the hearing, DID YOU . . .

1. Return to the clerk's office with all copies of the signed order? YES
2. Mail (serve) a copy of the signed order on the other party and on any other custodian/guardian? YES
3. Return to the clerk's office **after** you mailed the signed order to the other party and completed the certificate of mailing? YES
4. Keep one copy of the signed order for yourself? YES
5. Give two copies of the completed order 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 step in the process, refer to pages 3 through 5 of this booklet for details.

**INSTRUCTIONS FOR USING FORM FOC 53
SCHEDULING A HEARING TO GET THE ORDER ENTERED**

»» SCHEDULING A HEARING

1. Fill out the Notice of Hearing form.

To schedule a hearing, contact the person or office that the friend of the court told you about. Then fill out the form using the instructions on page 6 and the information you got about the hearing date, location of hearing, and name of the judge who will be signing the order. Be careful not to make mistakes.

Make at least five copies of this Notice of Hearing 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 of Hearing form with the county clerk.

Take the original and all five copies of this form (FOC 53) 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 of hearing 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 53 (with copy of proposed order) - for the other party
- One Copy of FOC 53 (with copy of proposed order) - for you
- One Copy of FOC 53 - for proof of service to the court
- One Copy of FOC 53 - for proof of service to the friend of the court

»» SERVING THE NOTICE OF HEARING ON THE OTHER PARTY OR PARTIES

1. Serve notice of hearing.

The other party must be served with (notified of) the notice of hearing at least 9 days before the hearing date.

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

What you need for service:

One Copy of FOC 53 (with copy of proposed order) - for the other party

Two Copies of FOC 53 - for proof of service

Any additional copies of FOC 53 - (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 with the proposed order to the other party. If there is a custodian or guardian, mail one copy and the 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, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

4. Attend the Hearing.

You must attend the hearing to get the order signed. Make five copies of your original completed order form.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the original and five copies of the completed order form. These copies should not say "proposed" on them but should be the same as the proposed order you filed with the court. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your motion or response to the motion. You can use this list as a reminder to bring up the points you think are important.
3. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
4. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any other hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
5. When your case is called, take the original and five copies of the order to the judge to sign, and then be prepared to state:

- 1) your name.
- 2) that you are representing yourself.
- 3) that you want an order signed.
- 4) whether you have witnesses in court who are willing to testify.

Answer the judge's questions clearly and directly. If the judge wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

6. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
7. If the judge says that the order is granted, follow the rest of these instructions. If any changes need to be made to the order, make them at the hearing and then present them to the judge to sign.

»» **SERVING THE ORDER ON THE OTHER PARTY OR PARTIES**

1. Return to the county clerk.

Once you have the signed order, return to the county clerk's office with the original and five copies. 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.

2. 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.

3. 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 OF HEARING TO ENTER ORDER"

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

Items A through E 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** Fill in the full name of the judge or referee who will be signing the order, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.
- E** Write in today's date and sign your name.

Now go to the county clerk's office with the original and five copies of this form. The clerk will keep the original and one copy and return four copies to you.

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

- F** 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.