

**Form FOC 117**  
(DUAL PURPOSE FORM PACKET)

**RESPONSE TO  
MOTION REGARDING PAYMENT  
PLAN/DISCHARGE OF ARREARS**

**Use this form packet if:**

- You get a copy of FOC 109, Motion regarding Payment Plan/Discharge of Arrears; and,
- You wish to answer/respond to the statements made in the motion.

(This form is for responding to a motion for a payment plan and a subsequent motion for discharge)

**RESPONSE TO MOTION RE PAYMENT PLAN DISCHARGE OF ARREARS  
CHECKLIST  
[For Oakland County Cases Only]**

Use the following checklist to make sure you have met all the required steps.

**DID YOU . . .**

1. Fill out all requested information on the form? YES
2. Make all the necessary copies? YES
3. File the response to the motion form with the Clerk's Office? YES
4. Serve (mail) a copy of the response on the other party and on any other custodian(s)/guardian(s)? YES
5. Return the completed Certificate of Mailing to the Clerk's Office after you served (mailed) the response on the other party? YES
6. Keep one (1) copy of the response to the motion for yourself? YES
7. Give one (1) copy of the response to the motion to the assigned judge's Clerk, which should be marked: "Judge's Copy." YES

**You must attend the hearing on the motion.**

If you cannot answer "yes" to all of the above questions, your response may not be considered by the judge at the hearing of the motion.

By using this form packet, you are representing yourself in a court action regarding a payment plan/discharge of support arrears. In order to receive the result you want, 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 are seeking.

**If you have any questions about the steps in the process, refer to pages 3 – 5 of this form packet for detailed information.**

**INSTRUCTIONS FOR USING FORM FOC 117  
RESPONDING TO A MOTION FOR A PAYMENT PLAN/DISCHARGE OF ARREARS**

**FILING A RESPONSE**

**1. Fill out Form FOC 117 for your case in Oakland County.**

If you receive a Motion for a Payment Plan/Discharge of Arrears and Notice of Hearing from the other party, you have limited time before the hearing to respond to the other party and the Court in writing. Use the instructions on page six (6) and please take care not to make mistakes.

**Make at least five (5) copies of the Response Form after it is completed.**

**2. File the Response Form with the Oakland County Clerk.**

Take the original and at least five (5) copies of the Response Form to the Oakland County Clerk.

Obtain six (6) case labels from the Clerk's Office with your judge's name and your case number, so a label may be affixed to the original Response Form and each copy. Place a case label in box "A" of each of form.

When you leave the clerk's office, you should have:

- One (1) copy of the FOC 117 (with any attachments) for you;
- One (1) copy of the FOC 117 (with any attachments) for the other party (parent); and,
- One (1) copy of the FOC 117 (with any attachments) for any other custodian(s) or guardian(s).
- One (1) copy of the FOC 117 (with any attachments) for the assigned judge.
- One (1) copy of the FOC 117 (with any attachments) for "proof of service" to the Court.

**SERVING A RESPONSE & FILING A PROOF OF SERVICE**

**1. Serve the Response Form with any attachments on the other party, and any other custodian/guardian by first-class mail at least five (5) days before the hearing date.**

*The other party will most likely be the other parent, but if there is a custodian or guardian who is not the other parent (moving party) and had or has custody of the child/ren, he or she must be served with (notified of) your response.*

**2. Mail or hand deliver a "Courtesy Copy" (AKA the "Judge's Copy") of the Response Form with any attachments to the assigned judge's clerk, who is located outside of the judge's chambers.**

**3. Filing a "Proof of Service" with the County Clerk.**

Once you have mailed copies of the Response Form with any attachments complete the "Certificate of Mailing" at the end of the Response Form on the remaining copies, and file a copy to the Clerk's Office. Remember to keep one (1) copy for your records.

## ATTENDING THE HEARING

1. **You must attend the hearing if you wish to agree, disagree, or compromise to the motion for a payment plan or discharge of arrears. Failing to appear may result in the granting of the other party's motion as requested.**
2. **Bring your copy of the motion and your response along with all supporting papers you have and any witnesses who are willing to testify.**
3. **Because you are representing yourself, you are expected to conduct yourself as an attorney would, and to follow the rules of evidence and procedure.**
4. **Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your response. You may use your list as a reminder to bring up points you think are important.**
5. **If you think you need to order someone to attend the hearing, follow the procedure in Michigan Court Rule 2.50, or consult an attorney.**
6. **On the day of the hearing, make sure you are dressed appropriately and arrive at judge's courtroom ten (10) to fifteen (15) minutes before the time scheduled. Go directly to the courtroom and tell the clerk (the person sitting near the judge's bench) your name, that you are there for a hearing, and that you are representing yourself. Do not interrupt any hearing that may be in progress. Once you inform the clerk of your presence, he or she should direct you to see the FOC referee in a nearby location, or to take a seat in the back of the courtroom and wait for your case to be called.**

*If you speak to an FOC referee, simply explain your position and answer his or her questions. The referee will make a non-binding recommendation to the judge to either grant or deny the motion. You will be given an opportunity to state your case to the judge.*

### **7. When your case is called, be prepared to state**

- a. **Your name;**
- b. **That you are representing yourself;**
- c. **That you want to respond to the motion for a payment plan or discharge of arrears;**
- d. **The facts and/or the reasons for your objections; and,**
- e. **Why you believe your request is not contrary to the best interests of the child/ren.**

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

8. **If the other party is in court, he or she will have a chance to speak. When the other party talks, take notes. Do not interrupt the other party or judge. After the other party speaks you may have another chance to talk.**
9. **After the judge makes a decision, the other party will be responsible for preparing the formal order. The other party must follow the instructions in the Form FOC 110 Packet to complete the order for the payment plan or discharge of arrears.**

## RESPONSE TO MOTION REGARDING PAYMENT PLAN/DISCHARGE OF ARREARS INSTRUCTIONS

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

Items A – I must be completed before your response can be filed with the Court. Please read the instructions 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 Payment Plan/Discharge of Arrears (Form FOC 109) and copy the Case No. from that paper onto this form. (Labels with your case number, the parties' names, and the judge's name may be obtained from the Clerk's Office.)
- B. Use the motion form to fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third Party" box. Copy the names from the motion form 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 the response form.  
  
The other party is the "moving party." Once you have written both names where they belong, you must check the box "moving party" in the same box as the other party's name.
- C. Check whether you are or are not responding to the motion under fear, coercion, or duress.
- D. Check whether it "is" or "is not" in the best interest of the parties and child/ren that payment plan be ordered.
- E. Check whether you "agree" or "do not agree" with a payment plan as stated in the Motion Form (FOC 109). If you checked the box "do not agree," you must explain in as much detail as possible why you do not agree. If you need more space, use a separate sheet or sheets of paper. You will need four (4) copies of each sheet to attach to copies of this form.
- F. If the other party and you have made an agreement that some or all of the arrearage that is owed to you should be discharged, check this box.
- G. If you agree with the request in the Motion Form (FOC 109), check box "a." If you do not agree with the request and want the court to order something different, check box "b." and write in the space provided what you want. If you do not agree with the request and want the court to deny the motion, check box "c."
- H. Write in today's date and sign your name.

Go to the Oakland County Clerk's Office with the original form with its attachment(s) and five (5) copies of the form and attachment(s). The Clerk will return the five (5) copies with the attachment(s) to you.

Read page three (3) of this booklet for details on mailing FOC Form 117 to the other party.

- I. On the date you mail one copy of the form with its attachment(s) to the other party, write the date and sign your name on the remaining copies and return to the Oakland County Clerk with the copies. Page four (4) of this booklet provides more details regarding the other actions that must be taken.

**You must read this entire Dual Purpose Form Packet for directions on the legal process.**

**STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY**

**RESPONSE TO MOTION REGARDING  
PAYMENT PLAN/DISCHARGE OF ARREARS**

**(A) CASE NO.**

Court address

Court telephone no.

**(B)** Plaintiff's name, address, and telephone no.  moving party

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Third party name, address, and telephone no.  moving party

v

Defendant's name, address, and telephone no.  moving party

- (C)** 1. I state that I  am  am not acting under fear, coercion, or duress.
- (D)** 2. It  is  is not in the best interests of the parties and the children that a payment plan be ordered.
- (E)** 3. I  agree  do not agree with the payment plan as presented in the motion.  
Explain in detail what you do not agree with in item 9.a. of the motion and why. Include all necessary facts. Use a separate sheet of paper if needed.

**(F)**  4. I agree with the other party to discharge support owed to me in the amount of \$ \_\_\_\_\_ .

**(G)** 5. I ask the court to

a. order the payment plan requested in the motion.

b. order a modified payment plan as follows:

c. deny the motion for payment plan.

**(H)** \_\_\_\_\_  
Date

\_\_\_\_\_  
Responding party's signature

**CERTIFICATE OF MAILING**

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

**(I)** \_\_\_\_\_  
Date

\_\_\_\_\_  
Responding party's signature