

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>MOTION REGARDING PARENTING TIME</b>	<b>(A) CASE NO.</b>
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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.  a. On \_\_\_\_\_ a judgment  
Date  
or order was entered regarding parenting time.  
 b. There is currently no order regarding parenting time.

2. Attached is a completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC 416).

**(D)**  3. \_\_\_\_\_ has disobeyed the parenting-time order as follows:  
Name  
 a. he/she has denied me parenting time with the child(ren) as follows:  
 b. he/she has not had parenting time with the child(ren) as follows:  
 c. he/she has made changes in parenting time without court order as follows:  
 d. he/she has not followed the specific conditions of parenting time as follows:  
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

**(E)**  4. \_\_\_\_\_ and I have agreed to parenting time as follows:  
Name  
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

**(F)** 5. It is in the best interests of the child(ren) to  establish parenting time  change parenting time because:  
Use a separate sheet to explain why it is in the best interests of the child(ren) and attach.

**(G)** 6. I ask the court to order that parenting time be  established  changed  made up as follows:  
Use a separate sheet to explain in detail what you want the court to order and attach.

**(H)** \_\_\_\_\_ /s/ \_\_\_\_\_  
Date Moving party's signature

**NOTICE OF HEARING**

**(I)** A hearing will be held on this motion before \_\_\_\_\_ Judge/Referee Bar no. \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_  
Date Time Location

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

**Note:** If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC 66.

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this motion, a Uniform Child Custody Jurisdiction Enforcement Act Affidavit and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

**(J)** \_\_\_\_\_  
Date Moving party's signature

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>RESPONSE TO MOTION REGARDING PARENTING TIME</b>	<b>(A) CASE NO.</b>
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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.  a. On \_\_\_\_\_ a judgment  
Date  
or order was entered regarding parenting time.  
 b. There is currently no order regarding parenting time.

**(D)**  2. I  have  have not disobeyed the parenting-time order as stated in the motion.  
Explain in detail what you do not agree with in item 2. of the motion and why. Include all necessary facts. Use a separate sheet of paper if needed.

**(E)**  3.  a. I agreed with the other party to start or make changes in parenting time as stated in the motion.  
 b. I agreed with the other party to start or make changes in parenting time. They were not what was stated in the motion.  
 c. I did not agree with the other party to start or make changes in parenting time.  
If b is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed and attach.

**(F)** 4. I  agree  do not agree that it is in the best interests of the child(ren) to  establish  change parenting time as stated in the motion.  
If you do not agree with the motion, explain why it is in the best interests of the child(ren). Use a separate sheet of paper if needed and attach.

**(G)**  5. I ask the court to order that parenting time  be  not be  established  changed  made up as stated in the motion.  
If you do not agree with the request in the motion, explain in detail what you want the court to order. Use a separate sheet of paper if needed and attach.

**(H)** \_\_\_\_\_  
Date Responding party's signature

**CERTIFICATE OF MAILING**

**(I)** 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.





**MOTION REGARDING PARENTING TIME  
SHIAWASSEE COUNTY FRIEND OF THE COURT  
FORM FOC 65**

**Use this Motion if:**

- You have a Judgment of Divorce or Separate Maintenance or a Paternity Case but custody was not included; or
- You already have a parenting time order in your Judgment of Divorce or Separate Maintenance case and you want to motion the Court for a change parenting time.

If both parties agree to a change in the Order, no motion is necessary. The forms are available at Friend of the Court or at our website [www.shiawassee.net](http://www.shiawassee.net).

If there is no agreement, then you must file this motion with the Circuit Court Clerk's Office. You must appear for the hearing and the Judge will make a decision regarding referral of your motion to the Friend of the Court.

**MOTION CHECKLIST**

Use the following checklist to make sure you have done all the steps that are included.

**DID YOU...READ THE INSTRUCTIONS FIRST?**

- |  |                              |
|--|------------------------------|
| 1. Fill out all requested information on the Motion.   | YES <input type="checkbox"/> |
| 2. Make all the necessary copies?  | YES <input type="checkbox"/> |
| 3. Pay the Motion fee to the Circuit Court Clerk?  | YES <input type="checkbox"/> |
| 4. Mail (serve) a copy of the Motion to the other party<br>(and Attorney if represented)?                              | YES <input type="checkbox"/> |
| 5. Return to the Circuit Court Clerk's office after you mailed the Motion<br>and completed the Certificate of Mailing? | YES <input type="checkbox"/> |
| 6. Keep one copy of the Motion for yourself?   | YES <input type="checkbox"/> |
| 7. Give 1 copy of the completed Motion to the Circuit<br>Court Clerk with the completed Certificate of Mailing?        | YES <input type="checkbox"/> |
| 8. Deliver 1 copy of the completed Motion to the<br>Friend of the Court with the completed Certificate of Mailing?     | YES <input type="checkbox"/> |

By using this Motion packet, you are representing yourself in a Court action regarding custody, parenting time, and support. 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 your Motion may be dismissed or the Order you get from the Court may not give you the custody, parenting time, or support you want.

The Friend of the Court does NOT represent either party. In preparation for the hearing, each party is encouraged to review the **CHILD CUSTODY ACT**, which is listed below. The Friend of the Court is **NOT** authorized to give the parties legal advice or assist in filing of this Motion. Either party may hire an attorney during any point in the process.

In a custody or parenting time motion, the Court must make a decision based on the best interests of the minor children. The law (MCL 722.23) sets forth a number of factors that the Court must consider. You MUST be prepared to address these factors at your hearing:

- (a) The love, affection, and other emotional ties existing between the parties involved and the child.
- (b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.
- (c) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- (d) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
- (e) The permanence, as a family unit, of the existing or proposed custodial home or homes.
- (f) The moral fitness of the parties involved.
- (g) The mental and physical health of the parties involved.
- (h) The home, school, and community record of the child.
- (i) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.
- (j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents. A court may not consider negatively for the purposes of this factor any reasonable action taken by a parent to protect a child or that parent from sexual assault or domestic violence by the child's other parent.
- (k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.
- (l) Any other factor considered by the court to be relevant to a particular child custody dispute.

# INSTRUCTIONS FOR FILING A MOTION

## FILING A MOTION

**1. Fill out the Motion and Notice of Hearing.**

**Make at least 4 copies of the Motion and all of the attachments after you have filled it out.**

**2. File the Motion with the Circuit Court Clerk (located on the second floor of the Courthouse).**

Take the original and 4 copies of the Motion and all of the attachments to the Circuit Court Clerk.

You must pay \$100.00 to the Clerk of the Court.

The Circuit Court Clerk will keep the original Motion and any attachments for the Court file and stamp “True Copy” on all other copies. You **MUST** provide the Friend of the Court with a true copy of your Motion and all attachments. Do not lose your remaining true copies of your Motion and the attachments.

What you should have when you leave the Circuit Court Clerk’s office:

- 1 Copy of the Motion (with any attachments)- for you
- 1 Copy of the Motion (with any attachments)- for the other party (and Attorney if represented)
- 1 Copy of the Motion (with any attachments)- for the Judge
- 1 Copy of the Motion (with any attachments)- for the Friend of the Court

**3. You must ensure that the address for both parties is the last known address on file with the Friend of the Court. If you fail to provide the correct address for either party your Motion may be dismissed for lack of service.**

# INSTRUCTIONS FOR SERVING A MOTION

## SERVING THE MOTION ON THE OTHER PARTY

### 1. Serve the Motion and Notice of Hearing on the other party.

**YOU MUST SERVE (NOTIFY BY ORDINARY MAIL)** the other party prior to the Friend of the Court reviewing the Motion. You may hand deliver the papers to the other party.

#### What you need for service:

- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for you
- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for the other party (and Attorney if represented)
- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for the Judge
- 1 Copy of the Motion (with any attachments)- with the completed Certificate of Mailing for the Friend of the Court

Fill out the Certificate of Mailing (date and sign) on all copies of the Motion (with any attachments). Mail one copy to the other party (and Attorney if represented).

**NOTE:** Serve the papers by mailing them to the other party by regular, first class mail. **THE DATE ON THE CERTIFICATE OF MAILING MUST BE THE DATE YOU MAILED THE MOTION AND ATTACHMENTS TO THE OTHER PARTY (AND ATTORNEY IF REPRESENTED).**

### 2. Return to the Circuit Court Clerk

Once you have mailed the Motion (with any attachments) to the other party (and Attorney if represented) return to the Circuit Court Clerk's office. You will have three copies with the completed Certificate of Mailing. Give the Circuit Court Clerk one copy for the Judge. Keep 1 copy for your own records. Deliver 1 copy to the Friend of the Court. You **MUST** deliver a copy directly to the Friend of the Court office.

### 3. Response from the other party.

If you receive a response to your Motion from the other party make sure you read it.

# INSTRUCTION FOR COMPLETING “MOTION REGARDING PARENTING TIME”

**Please print neatly. After filling in the Motion, you will need to make at least 4 copies.**

Items A through G must be completed before your Motion can be filed with the Court. Please read the instructions then fill in the correct information for that item on the Motion.

- A. Before you fill in the Case No., get your Court papers for divorce, separate maintenance, or paternity and copy the Case No. from those Court papers onto this Motion form.
- B. Also use your Court paper to fill in the “Plaintiff” and the “Defendant” boxes. Copy the names from these court papers onto this Motion. For example, if your name is in the box that says “Plaintiff” on the original court document, then you should write your name in the “Plaintiff” box on this Motion form.

**You are the person filing the Motion therefore the task of proving why you should be granted the requested relief lies with you.**

You must ensure that the address for both parties is the address on file with the Friend of the Court and if you do not know the address you must verify the address with the Friend of the Court.

- C. **Check only one box.** If you have a judgment or order for parenting time, separate maintenance, or paternity, read it carefully to find out if there is any information in it about parenting time. If there is information about parenting time (not just the word parenting time) a specific schedule must be indicated, check box a. If there is no schedule for parenting time check box b.
- D. Check this box only if you and the other party have agreed to start parenting time or make changes in the parenting time. If you check this box, use a separate sheet of paper to explain in as much detail as possible what you have agreed on. Print this information as neatly as you can. You will need to have a copy of this sheet attached to all copies of your motion.
- E. Check the box if you and the other party have agreed to start parenting time or make changes in the parenting time. If you check this box, use a separate sheet of paper to explain in as much detail as possible what you have agreed on. Print this information as neatly as you can. You will need to have a copy of this sheet attached to all copies of your motion.
- F. Check the box that best states what you are asking the Court to order. You need to explain why you think it is in the best interest of the child(ren) for the Court to order this request. Use a separate sheet of paper and print your explanation as neatly as you can. You will need to have a copy of this sheet attached to all copies of your motion.
- G. Write in today’s date and sign your name.

**GO TO PAGE 3 & 4 FOR FILING AND SERVICE INSTRUCTIONS.**