

FORM FOC 65
MOTION REGARDING PARENTING TIME

Use this form if:

- You have a pending case for divorce, separate maintenance, family support, or paternity; or
- You have a judgment of divorce or separate maintenance, a family support order, or an order of filiation but parenting time was not included; or
- You already have parenting time orders in your judgment of divorce or separate maintenance, your family support order, or your order of filiation and you want the court to either order parenting time or change parenting time

PLEASE NOTE:

By filling in this motion and using the instructions, you are representing yourself in a court action (In Pro Per) regarding parenting time and stating you do not have legal representation.

If you have retained an attorney
(for any reason)

you **CANNOT** file this motion on your own.

You **MUST** contact your attorney and have him/her do the necessary filing.

FILING A MOTION FOR PARENTING TIME:

1. You must complete the original form in blue/black ink. Check that Plaintiff/Defendant are correct. Also, that the motion is dated and signed.
2. Unless otherwise indigent, before motions can be scheduled, both motion fee and judgment fee **MUST** be paid in full. The judgment fee, however, is only necessary in **POST JUDGMENT** cases and not required in any **PRE JUDGMENT** cases. The Motion Fee is \$20.00 and the Judgment Fee in all **POST JUDGMENT** cases is \$80.00. The fees must come as two (2) separate Cashier's checks or money orders in **POST JUDGMENT** cases and as one (1) Cashier's check or money order in **PRE JUDGMENT** cases. No cash or personal checks will be accepted. The Cashier's checks or money orders must be made payable to the "COUNTY CLERK."
3. The original document and fees **MUST** be turned into the FOC office. The FOC will file the motion with the Clerk and send out notices of hearing to all parties.

INFORMATION ABOUT ATTENDING THE HEARING:

Bring all supporting papers you may have and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules and attorney would.
2. Make a list of information you feel is important for the referee to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder to bring up the points you feel are important.

3. If you feel you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the FOC hearing room on the scheduled day and time. Check in at the window upon arrival. Dress neatly. Arrive 10 to 15 minutes early. Bring any witnesses with you. Have a seat in the waiting room until you case is called.
5. When your case is called, be prepared to clearly state the following:
 - a.) Your name
 - b.) That you are representing yourself
 - c.) That you are requesting a parenting time order or a change in a parenting time order.
 - d.) The facts or reasons for your request (bring papers such as reports that support your facts or reasons.)
 - e.) Why you believe this order would be in the best interests of the child(ren)
 - f.) Whether you have witnesses in court who are willing to testifyAnswer the referee's questions clearly and directly. If the referee 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. After the referee makes the decision, that decision will be put into the form of an order and will be final and filed with the Clerk's office and all parties will be sent copies of the order.

NOTE: If you do not agree with the referee's decision, you have 21 days from the order date to file an objection by requesting a DeNovo Review hearing before the Judge assigned to your case. The DeNovo form can be picked up at the FOC office.

Items A through H must be completed before your motion 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 court papers for divorce, separate maintenance, family support, paternity and copy the Case No. from those court papers onto this form.
- (B) Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from these 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 motion form.
You are the "moving party". Once you have written both names where they belong, you must check the "moving party" in the same box as your name.
- (C) Check only one box. If you have a judgment or order for divorce, 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, check box a. If there is no information about parenting time, check box b.
- (D) Check this box only if you checked box a. in (C) above and the parenting time orders have not been obeyed. Then check those boxes a. through d. that best explain what has happened. After you check the boxes, use a separate sheet of paper to explain in as much detail as possible what has happened. Print this information as neatly as you can.
- (E) Check this 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.
- (F) Check the box which best states what you are asking the court to order. You need to explain why you think it is in the best interests 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.
- (G) Check the box that best explains what you want the court to order. You need to explain in as much detail as possible what you want the court to order. Use a separate sheet of paper and print as neatly as you can.
- (H) Write in today's date and sign your name.

DO NOT COMPLETE ANYTHING BELOW THE HEAVY BLACK LINE

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

Court address
629 N STATE ST, PO BOX 305, STANTON, MI 48888

Court teleph
(989) 831-73

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

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

Defendant's name, address, and telephone no. mov

- C** 1. a. On _____ a ju
Date _____
or order was entered regarding parentin
- b. There is currently no order regarding pa
time.

- D** 2. _____ Name _____ has disobeyed the parenting time order as fo
- 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** 3. _____ Name _____ and I have agreed to parenting time as follows:
- Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.
- See attached page.

- F** 4. 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** 5. I ask the court to order that parenting time be established changed made up as follo
- Use a separate sheet to explain in detail what you want the court to order and attach.

I declare that the above statements are true to the best of my information, knowledge, and belief.

H _____ Date _____

Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before BRUCE E. BASOM, REFEREE
Name of judge or referee

on _____ at _____ at FRIEND OF THE COURT HEARING ROOM, 629 N STA
Date Time Place STANTON MI 48888

NOTE: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FC

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this motion and notice of hearing on the other party(ies) by ordinary mail at the address(es).

_____ Date _____

Friend of the Court Representative

JUDICIAL CIRCUIT
MONTCALM COUNTY

MOTION REGARDING PARENTING TIME

(A) CASE NO.

629 N STATE ST, PO BOX 305, STANTON, MI 48888

(989) 831-7332

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

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

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

2. Continued from page 1.

3. Continued from page 1.

4. Continued from page 1.

5. Continued from page 1.