

## Form FOC 65

# MOTION REGARDING PARENTING TIME

### ***USE THIS FORM IF:***

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

### **YOU CANNOT USE THIS FORM IF:**

- ☛ You have an attorney. Contact your attorney for legal assistance; or
- ☛ You are a grandparent and are trying to establish a grandparent visitation order. You may want to seek the advice of an attorney; or
- ☛ Your case numbers contains any of the following case code types: DI, DF, DW, TI, UW, DR, UC, UN, UD, UI, UO, UF, DO, TO, DU, TU, UE, UM. If you want to establish/modify a parenting time order in any of these types of cases, you may want to seek legal counsel.

FILE YOUR MOTION AND PAY YOUR FEE TO THE COUNTY CLERK. DO NOT FILE YOUR MOTION AT THE FRIEND OF THE COURT OFFICE. DO NOT MAKE YOUR PAYMENT PAYABLE TO THE FRIEND OF THE COURT.

## INSTRUCTIONS FOR USING FORM FOC 65

### FILING A MOTION

#### **1. FILL OUT THE MOTION FORM.**

Use the instructions on page four. Type or print neatly. **Make sure you can read all four copies. If you fail to provide all of the required information, your motion may be denied or dismissed.**

#### **2. FILE THE MOTION FORM WITH THE COUNTY CLERK.**

Take the original and copies of the form to the County Clerk in the county where your case is located. (Van Buren County Clerk, 212 Paw Paw Street, Paw Paw, MI 49079)

**You must pay a \$20.00 motion fee and a \$80.00 judgement fee. The total, \$100.00, is due at the time you file your Motion. Make your money order payable to "Van Buren County Clerk". No personal checks will be accepted by the County Clerk.**

The County Clerk will keep the original and all copies of the motion and any attachments for the court file and the Friend of the Court. A copy will then be returned to you at the address you provided on the form, with a hearing date scheduled by the Friend of the Court.

#### **RESPONSE FROM OTHER PARTY:**

If you receive a response to your motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

**You must attend the hearing on the motion; otherwise, your motion may be dismissed.**

#### **INFORMATION ABOUT ATTENDING THE HEARING:**

Bring all supporting papers you have.

1. By using this form packet, you are representing yourself in a court action regarding parenting time. Since 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 feel is important for the Referee or Judge to know. The information should relate to the reasons stated in your motion. You can use this 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 Judge's courtroom or Referee's hearing room 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.

5. Do not interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, sit at the appropriate table, marked "Plaintiff" or "Defendant". You may be asked the following:
  - 1) Your name
  - 2) What your request(s) is(are)
  - 3) The facts or reasons for your request
  - 4) Why you believe this order would be in the best interests of the child(ren)
  - 5) Whether you have witnesses in court who are willing to testify

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

If the other party is in court, he or she will have the chance to speak also. When the other party speaks, take notes. Do not interrupt the other party.

## MOTION 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? (**Four** of any attachments)  Yes
3. Pay the motion fee to the County Clerk?  Yes

**IF YOU CANNOT ANSWER "YES" TO ALL OF THE ABOVE STEPS, A HEARING ON YOUR MOTION MAY BE DELAYED OR YOUR MOTION MAY BE DISMISSED.**

If you fail to do even one of the required steps, the order you get from the court may not give you your desired results.

**\*IMPORTANT\***

If the other party is represented by an attorney, you must include that attorney's name and complete business address on the front of the motion form.

## INSTRUCTIONS FOR COMPLETING

### "MOTION REGARDING PARENTING TIME"

**Please print neatly, and press firmly with an ink pen, or use a typewriter.**

Items A through G must be complete 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 Number, get your court papers for divorce, separate maintenance, or paternity and copy the Case Number 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. If the other party has an attorney, include the attorney's name and address also. Please note, the Plaintiff and Defendant will always be according to the initial filing of the action. Therefore, 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. Once you have written the names where they belong, you must check the box "moving party" in the same box as your name.
- C** Check only one box. If you have a judgement 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 if you and the other party have agreed to a parenting time arrangement. 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 make FOUR (4) copies of this sheet to attach to copies of this form.**
- E** 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. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- F** Check the box that best explains what you want the court to order. You need to explain in as much detail as possible. If you need more space, use a separate sheet of paper. **You will need to make FOUR (4) copies of this sheet to attach to copies of this form.**
- G** Write in today's date and sign your name. DO NOT complete sections H or I.

Approved, SCAO

Original - Court  
1<sup>st</sup> copy - Other Party

2<sup>nd</sup> copy - Moving Party  
3<sup>rd</sup> copy - Friend of the Court

<b>STATE OF MICHIGAN</b> <b>36<sup>TH</sup> JUDICIAL CIRCUIT COURT</b> <b>VAN BUREN COUNTY</b>	<b>MOTION REGARDING PARENTING TIME</b>	<b>A</b> <b>CASE NUMBER</b>
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Court Address: 212 Paw Paw Street, Paw Paw, MI 49079

Friend of the Court Address: 219 Paw Paw Street, Paw Paw, MI 49079

Friend of the Court

Telephone Number: 269-657-7734

**B** Plaintiff's name, address & phone no.  moving party

Third party name, address & phone no.  moving party

V

Defendant's name, address & phone no.  moving party

- C** 1.  a. On \_\_\_\_\_ a judgement  
Date  
or order was entered regarding parenting time.
- b. There is currently no order regarding parenting time.

- D** 2.  \_\_\_\_\_ 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.

- E** 3. It is in the best interests of the child(ren) to  establish parenting time  change parenting time because:  
Use a separate sheet to explain in detail why it is in the best interests of the child(ren) and attach.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Moving party's signature

**NOTICE OF HEARING**

Fee Paid \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

**H** A hearing will be held on this motion before G. Scott Smith, Domestic Relations Referee  
Name of Judge or referee

on \_\_\_\_\_ at \_\_\_\_\_ at Friend of the Court, 219 Paw Paw St, Paw Paw, MI 49079.  
Date Time Place

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 the date below I mailed a copy of this document to the parties and their attorneys by first-class mail addressed to their last known addresses as defined by MCR 3.203.

**I** \_\_\_\_\_  
Date

\_\_\_\_\_  
Friend of the Court Office