

Filing a Motion to Modify Parenting Time Representing Yourself in Gratiot County

1. After obtaining the motion and the order for referral from the Friend of the Court, completely fill out the forms.
2. Read and follow all directions on the form provided for filing at the County Clerk and serving the motion on the required people. Be prepared to pay the filing fee for the motion, currently **\$100.00**. **YOU MUST SERVE A TRUE COPY OF THE MOTION AND ORDER FOR REFERRAL ON THE FRIEND OF THE COURT AND ON THE OTHER PARTY. YOU MUST TAKE A PROOF OF SERVICE TO THE COUNTY CLERK WHEN YOU SERVE THE MOTION AND ORDER FOR REFERRAL ON THE OTHER PARTY.**
3. After you have filed the motion, take a true copy of the motion to the Judges office for him to review. Take a copy of enclosed ORDER FOR REFERRAL with the motion to the Judges office. **YOU MUST COMPLETE THE PLAINTIFF, DEFENDANT and FILE NUMBER ON THE ORDER FOR REFERRAL FORM.**
4. When the order is signed, the Judge's office will forward it to the Clerk of the Court's office for you to pick the order up. You must pick the order up, make the copies and file it with the County Clerk. **BE SURE TO SERVE A TRUE COPY OF THE ORDER FOR REFERRAL ON THE OTHER PARTY AND THE FRIEND OF THE COURT.**
5. The Judge assigned to your case will review the motion to ensure it meets the burden of proof. If the motion does not meet the showing of a change of circumstances sufficient to warrant a change, the Judge will enter an order dismissing the motion.

If after reviewing the motion the Judge determined there may be sufficient reason to change the current order, the court will enter an Order Referring the motion to the Friend of the Court for an investigation or conciliation.

Until the investigation or the conciliation is completed, both parties should continue to follow the order currently in place.

6. When the Friend of the Court receives a copy of the order referring the matter for an investigation or conciliation, a meeting will be scheduled by the Friend of the Court office. Both parties will be asked to submit information and appear for an interview.
7. When the investigation or conciliation is completed a written recommendation will be provided to both parties with instructions stated on what to do if a person wants to object to the recommendation.
8. Remember, if no order is filed after the investigation is completed or a hearing, no action will be taken to modify the court order.

INSTRUCTIONS FOR COMPLETING “MOTION REGARDING PARENTING TIME”

Please print neatly. After filling in the form, you will need to make at least 5 copies of the form.

Items A through K must be completed before your motion 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 court papers for divorce, separate maintenance, paternity, or family support and copy the Case No. from those court papers onto the 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 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, paternity or family support read it carefully to find out if there is any information in it about support. If there is information about support, check box a. If, there is no information about support, check box b.
- (D) Put information in the lines for what has happened regarding the parenting time order.
- (E) Check this box if you and the other party have agreed to make changes in the parenting time. **Explain in as much detail** as possible what you have agreed on. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach to the copies of this form
- (F) Explain in detail why it is in the best interest of the children to establish or change the parenting time schedule. **Explain in as much detail** as possible what has happened. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach 4 copies of this form.
- (G) You need to **explain in as much detail** as possible what you want the court to order. Write the details. If you need more space use a separate sheet of paper. Print this information as neatly as you can. You will need 4 copies of this sheet to attach to copies of this form.
- (H) Write in today’s date and sign your name.
- (I) **Skip this part on the motion form (Notice of Hearing).**
- (J) Complete the top portion on the Order for Referral
- (K) Now go to the County Clerk’s office to file the original, paying the filing fee of \$100.00. Obtain copies for the following:
 - 1. 1 copy for yourself.
 - 2. 1 copy for the Friend of the Court.
 - 3. 1 copy to serve on the other party
 - 4. 1 copy to file with the County Clerk as proof of service on the other party
 - 5. 1 copy to your Judge, with the attached order (see #3 above)
- (L) On the date you mail 1 copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining copy. Return it to the County Clerk for filing as proof of service. **MAKE SURE YOU SERVE A COPY FO THE MOTION AND ORDER FOR REFERRAL ON THE FRIEND OF THE COURT.**

Response to Motion Regarding Parenting Time

Use this form if you get a copy of FOC 65, Motion Regarding Parenting Time. By filling out this form, you are answering the statements made in the motion.

(Form FOC 66)

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

RESPONSE TO
MOTION REGARDING PARENTING TIME

(A) CASE NO.

Court address

Court telephone no.

(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

- (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.

- (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.

- (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.

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

(H) _____
Date

Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this response on the other party(ies) by ordinary mail at the above address(es).

(I) _____
Date

Responding party's signature

<p align="center">STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</p>	<p align="center">RESPONSE TO MOTION REGARDING PARENTING TIME</p>	<p align="center">(A) CASE NO.</p>
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<p>(B) Plaintiff's name, address, and telephone no. <input type="checkbox"/> moving party</p>	<p>v</p>	<p>Defendant's name, address, and telephone no. <input type="checkbox"/> moving party</p>
<p>Third party name, address, and telephone no. <input type="checkbox"/> moving party</p>		

2. Continued from page 1.

3. Continued from page 1.

4. Continued from page 1.

5. Continued from page 1.

RESPONSE TO 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? YES
3. File the response to motion form with the clerk's office? YES
4. Mail (serve) a copy of the response on the other party and on any other custodian/guardian? YES
5. Return to the clerk's office **after** you mailed the response to the other party and completed the certificate of mailing? YES
6. Keep one copy of the response to motion form for yourself? YES
7. Give 2 copies of the completed form to the clerk of the court? YES

You must attend the hearing on the motion.

If you cannot answer "yes" to all of the above steps, your response may not be heard at the hearing on the motion.

By using this form packet you are representing yourself in a court action regarding parenting time. 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, the order you get from the court may not give you the parenting time you want.

If you have any questions about any step in the process, refer to pages 4 through 6 for details.

INSTRUCTIONS FOR USING FORM FOC 66 RESPONDING TO A MOTION

»» FILING A RESPONSE

1. Fill out the Response to Motion form.

If you receive a motion and notice of hearing from the other party, you have time before the hearing to respond in writing to the party and the court. Use the instructions on the form. Be careful not make mistakes.

Make at least 5 copies of the form after you have filled it out.

2. File the Response form with the county clerk.

Take the original and 5 copies of the form to the county clerk in the county where the motion was filed. The name of the county will be in the upper left-hand corner of the motion form.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and 1 copy for the court file and the friend of the court. Then the clerk will return 4 copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- 1 Copy of FOC 66 (with any attachments) - for the you
- 1 Copy of FOC 66 (with any attachments) - for other party
- 1 Copy of FOC 66 - for proof of service to the court
- 1 Copy of FOC 66 - for proof of service to the friend of the court

»» SERVING THE RESPONSE ON THE OTHER PARTY OR PARTIES

1. Serve the Response on the other party.

The other party must be served with (notified of) your response at least 5 weekdays (not including holidays) before the hearing date.

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

What you need for service:

- 1 Copy of FOC 66 (with any attachments) - for the other party
- 2 Copies of FOC 66 - for proof of service
- Any additional copies of FOC 66 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your records.

2. Return to the county clerk.

Once you have mailed the response and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The county clerk will deliver 1 copy to the friend of the court.

3. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the motion and your response along with all supporting papers 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 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 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 judge's court room 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. Bring any witnesses with you.
5. Go into the court room or referee hearing room and tell the referee or 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 hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, go to the podium and clearly state the following:
 - 1) your name
 - 2) that you are representing yourself

- 3) that you want to respond to the motion for a parenting time order or to change a parenting time order
- 4) the facts or reasons for your response **(bring papers such as reports that support your facts or reasons)**
- 5) whether you have witnesses in court who are willing to testify

Answer the judge's or referee's 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.

8. 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.
9. After the judge or referee makes a decision, the other party is to prepare the order (using the instructions on the packet for FOC 67, "Order Regarding Parenting Time") even if it is not what is asked for in the motion or your response to the motion.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet for FOC 68, "Objection to Referee's Recommended Order".