

## Instructions for Filing a Motion Regarding Parenting Time (FOC 65)

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. Failure to complete ALL of the required steps, may result in a delay of your case and/or the Court being unable to grant you the relief that you are requesting.

NOTE: Under the Michigan Child Support Formula, a change in parenting time may affect the amount of child support that is ordered. The Court is required to use the Michigan Child Support Formula, unless the court finds that using the Formula would be unjust or inappropriate.

### **THE FRIEND OF THE COURT DOES NOT REPRESENT EITHER PARTY AND IS PROHIBITED FROM PROVIDING LEGAL ADVICE**

#### **Completing the Motion**

Items A through J on the Motion Regarding Parenting Time form (FOC 65) must be completed before your motion can be filed with the Court. Please read the instruction for each item, and fill in the correct information for that item on the form. **Please print neatly. If your handwriting is not legible, the form may be rejected.**

- A. It may be helpful to have previously filed court papers available to assist you with information needed to complete this form. The case number, and party information will be listed on previous documents. If you do not know your case number, you can contact the Friend of the Court office.
- B. Enter party information just as it is listed on previous documents. For example, if your name is in the box that says "Plaintiff", then you should write your name in the "Plaintiff" box on this form. You are the moving party. Once you have written both names in the appropriate boxes, you must check the box "moving party" in the same box that your name is listed.
- C. Enter the date of the most recent order regarding parenting time (C1a). If parenting time has not been established, mark C1b. Be sure to complete and attach the Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC416) pursuant to C2. See separate instructions, below.
- D. If a parenting time violation has occurred, mark the appropriate box and explain the situation in detail, using a separate sheet. If no violation has occurred or, if you and the other parent have reached an agreement, skip to E.
- E. If you and the other parent have agreed to parenting time, provide an explanation of the agreement in detail.
- F. Check the appropriate box and attach a separate sheet to explain in detail why you think the request you are making is in the best interests of the child(ren).

- G. Check the appropriate box and attach a separate sheet to explain in detail what you are asking the court to order.
- H. Date and sign the form.
- I. ***Before completing the “Notice of Hearing” portion, contact the Friend of the Court Scheduling Clerk at (989) 731-7462.*** You will need to provide your name and phone number, the other party’s name and your case number. Fill in the form with the name of the Judge or Referee who will be hearing your motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.  
  
**Note:** All Referee Hearings will be held virtually, via Zoom. Zoom information (attached) must be included with the Notice of Hearing that is sent to the opposing party.
- J. See “Filing and Serving” Instructions below **before** dating/signing the “Certificate of Mailing” portion of the form.

### **Completing the Uniform Child Custody Jurisdiction Enforcement Act Affidavit**

- A. Fill in the case number and case name. Enter party information just as it is listed on previous documents. For example, if your name is in the box that says “Plaintiff,” then you should write your name in the “Plaintiff” box on this form.
- B. Complete items 1 – 3.
- C. Complete items 4 – 6 providing the information requested concerning any prior determination by a court regarding custody or parenting time, any pending proceedings, and any person claiming rights of legal or physical custody or parenting time with the child(ren) other than a party in this case. Check any of the boxes that apply.
- D. Under item 7, write the home state where the child(ren) reside.
- E. Only check box 8, if appropriate.
- F. Sign and print your name, and complete your address **in front of a Notary**. The notary will complete the bottom portion of the form.
- G. Make three (3) copies of the completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC416). An additional copy may be necessary if the other party is represented by an attorney.

### **Filing and Serving the Motion and UCC (MC416)**

- 1. Make three copies of the Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC416), Motion Regarding Parenting Time (FOC65) and any attachments to the motion (one for you, the other party and the Friend of the Court). If there are attorneys of record or a third party/guardian, make additional copies.
- 2. Mail a copy of the motion with attachments and UCC to the other party and, if appropriate, attorneys of record or third party/guardian by first class mail. **The mailing date must be at least 9 business days (not including holidays) prior to the hearing date.**

3. Complete the Certificate of Mailing (J) located at the bottom of the motion form, by signing and writing the date that you **mailed** copies to the other party(ies).
4. File the original and Friend of the Court copy of the Motion (with attachments) and UCC form with the County Clerk's office located at 225 West Main Street, Gaylord, Michigan 49735. This may be done in person, or by mailing to the Clerk's office.

**Note:** A filing and order entry fee of \$100.00 will be required at the time of filing. Payment may be made with credit card, cash or check or money order (made payable to Otsego County Clerk).

If you can't afford to pay the fees, you may submit an Affidavit and Order – Suspension of Fees and Costs (Form MC 20). This form can be obtained from the Friend of the Court or County Clerk's office. If the Affidavit is approved by the Court, your filing fee may be waived.

Contact the Friend of the Court office at (989) 731-7450 or the County Clerk's office at (989) 731-7500 if you have any questions regarding the instructions for filing and serving your motion.

<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





"Home state" means the state in which the child(ren) lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with a parent or person acting as a parent. A period of temporary absence of a parent or person acting as a parent is included as part of the period.