Approved, SCAO

Original - Court
1st copy - Other party
2nd copy - Moving party

3rd copy - Friend of the court
4th copy - Proof of service
5th copy - Proof of service

STATE OF MICHIGAN 28th JUDICIAL CIRCUIT COUNTY	MOTION REGARDING PARENTING TIME	(A) CASE NO.

Court address: 401 N. Lake St., Cadillac, MI 49601

Court telephone no.: (231) 779-9494

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

v

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

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

(C) 1. ☐ a. On _____ (Date), a judgment or order was entered regarding parenting time.

☐ b. There is currently no order regarding parenting time.

(D) ☐ 2. _____ (Name) has disobeyed the parenting-time order as follows:

☐ 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.

(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 follows:

Use a separate sheet to explain in detail what you want the court to order and attach.

(H) _____ Date _____ Moving party's signature

NOTICE OF HEARING

(I) A hearing will be held on this motion before _____ (Judge/Referee)

on _____ (Date) at _____ (Time) at FOC - 401 N Lake ST., Cadillac MI (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 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

Form FOC 65
MOTION REGARDING PARENTING TIME

Use this form if: You have a pending case for custody, divorce, separate maintenance, family support or paternity; or you are a party who has a custody order through a judgment of custody, divorce, separate maintenance, or family support order, or an order of filiation and you want the court to order or change parenting time

You cannot use this form: to start a custody case; or if you are a third party and want to intervene to get parenting time of the child(ren) in a pending case for custody, divorce, separate maintenance, family support or paternity

1. Completely fill out the requested information on the form. (See Instructions)

2. File the completed **original** Motion at the Friend of the Court or the County Clerk's office.

   Filing at the Friend of the Court
   You MUST complete the top section only. DO NOT complete the Notice of Hearing or Certificate of Mailing sections. Bring the original to the Friend of the Court office. The Friend of the Court office will provide copies to parties/ attorneys; will schedule conferences/hearings; and provide notice to the parties. You may pay by check or money order made out to "Wexford County Clerk" or "Missaukee County Clerk". **We do not accept cash for filing fees.**

   Filing at the Clerk's Office
   You MUST complete the top section AND the Certificate of Mailing section. DO NOT complete the Notice of Hearing section. Take the original and 5 copies to the Clerk's office in the county the case is filed in. Provide a copy of the Motion to the Friend of the Court office, the other party/attorney and yourself. The Friend of the Court office will schedule conferences/hearings and provide notice to the parties. You may pay by cash, check or money order made out to "Wexford County Clerk" or "Missaukee County Clerk".

3. A filing fee of $100 ($20 motion fee and $80 order fee) must accompany the Motion if it is filed after a Judgment of Divorce or Order of Filiation has entered. In a pending case, a motion fee of $20 must accompany the Motion.

4. If you cannot afford to pay the filing fee, you may request and complete an Affidavit and Order Suspension of Fees/Costs MC 20.

BY USING THIS FORM PACKET, YOU ARE REPRESENTING YOURSELF IN A COURT ACTION REGARDING CUSTODY. 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 RESULT YOU WANT.

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING PARENTING TIME"

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

Items A through I 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, family support, or 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 box "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. You will need four copies of this sheet to attach to copies of this form.

(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. You will need to have four copies of this sheet to attach to copies of this form.

(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 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. You will need four copies of this sheet to attach to copies of this form.

(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. You will need four copies of this sheet to attach to copies of this form. If a change in parenting time will affect the support obligation, you may file a Motion Regarding Support (FOC 50).

(H) Write in today's date and sign your name. Now contact the the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.

(I) Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing this 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.

Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you.

Read page 3 of this booklet for details on mailing this form to the other party.

(J) On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.

Return to the county clerk with two copies. Read page 4 of this booklet for details.

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

TIPS FOR REPRESENTING YOURSELF IN COURT

There is the old adage that describes a person who represents him or herself in court as "having a fool for a client."

People who represent themselves in a court proceeding are Pro Se or In Pro Per parties. "Pro se" or "In Pro Per" is a Latin term meaning "for oneself."

Even for the best prepared pro se litigant, court proceedings can be intimidating. Whether it is due to lack of funds or choice, a self-represented person can do several things to minimize feeling foolish in court.

- Find out what type of court hearing will be held. Is it an informal pretrial discussion or a formal court hearing or trial?

- Observe a similar court proceeding before your court.

- Don't miss your court date. Double-check the date and time.

- Allow plenty of time to get to court. You will need to park, go through security and find your courtroom.

- Arrive at the courtroom 15 minutes early.

- Come prepared and organized.

- Bring an outline of what you plan to say.

- Prepare a short statement of what you want and why.

- Bring your witnesses with you to court. Letters hardly ever suffice.

- Witnesses cannot appear by telephone without advance approval of the court.

- Write out questions for your witnesses.

- Ask your witnesses the questions before your court date.

- Bring three copies of all documents or exhibits.

- Address the judge or referee as "Your Honor."

- Bring paper and pen so you can take notes of what other witnesses say.

- Take notes.

- Dress nicely.

- Do not bring children to court unless specifically required by the court.

- Leave the drama at home. Do not be hostile or rude, and do not interrupt.

- Before you leave court make sure you know what will happen next.

- Ask questions if you are unclear of who will prepare the court order.

Be aware that court procedures and the Rules of Evidence will be followed. Specifics statutes will govern the outcome. Court staff cannot give you any legal advice. You will be best served if you meet with a lawyer to discuss your case in advance, even if the lawyer does not represent you in court.

There is also a Michigan Courts Self-Help Center website at:
http://courts.michigan.gov/scao/selfhelp/selfhelphome.htm

Don't be afraid to ask attorneys if they offer sliding scale fees or have payment plans. Most attorneys volunteer a number of hours each year in Pro Bono services, another Latin phrase meaning "for the public good."

— Prepared by Marian Kromkowski, Suttons Bay attorney with Kromkowski & Posner and part-time domestic relations referee in Wexford/Missaukee counties.

Record-Eagle http://record-eagle.com/northernliving/x1270809519/Tips-for-representing-yourself-in-court/print