Approved, SCAO

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

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

STATE OF MICHIGAN 28th JUDICIAL CIRCUIT COUNTY	RESPONSE TO 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. 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.

(H) _____ Date

_____ Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this response on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(I) _____ Date

_____ Responding party's signature

Form FOC 66
RESPONSE TO MOTION REGARDING PARENTING TIME CHECKLIST

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

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

2. File the completed **original** Response to Motion Regarding Parenting Time at the County Clerk's office.

   You MUST complete the top section AND the Certificate of Mailing 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 Response 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.

3. Serve the Response by mailing it to the other party/attorney at least 5 days before the Status Conference/Hearing date.

4. Fill out the Certificate of Mailing on the remaining copies. Deliver the original to the County Clerk's office and keep one for your records.

5. You must attend the Status Conference and/or Hearing.

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.

Updated October 2012

INSTRUCTIONS FOR COMPLETING "RESPONSE TO MOTION REGARDING PARENTING TIME"

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

Items A through H must be completed before your response 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 copy of the Motion Regarding Parenting Time (form FOC 65) and copy the Case No. from that paper onto this form.

(B) Also use the motion form to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from the motion 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 response form.

The other party is the "moving party." Once you have written both names where they belong, you must check the box "moving party" in the same box as the other party's 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 (D) is checked on the Motion form (FOC 65). If you agree that the parenting-time orders were not obeyed as stated in the motion, check the box "have." If you do not agree, check the box "have not." If you checked the box "have not," you must explain why you do not agree with the motion. **Explain in** as much **detail** as possible what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to copies of this form.

(E) Check this box only if (E) is checked on the Motion form (FOC 65). Then check either box a, b, or c. If you check box b, **explain in** as much **detail** as possible what you agreed on. If you check box c, **explain in** as much **detail** as possible why you do not agree with the motion. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to copies of this form. A change in parenting time may affect the support obligation if a Motion Regarding Support (FOC 50) is filed.

(F) Check whether you "agree" or "do not agree" that the Motion form (FOC 65) is in the best interests of the child(ren). Then check the same box that was checked in (F) on the Motion form (FOC 65). If you checked the box "do not agree," you must **explain in** as much **detail** as possible why your response is in the best interests of the child(ren). If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to copies of this form.

(G) If you agree with the request in the Motion form (FOC 65), check the box "be." If you do not agree with the request, check the box "not be." Then check the same box that was checked in (G) on the Motion form (FOC 65). If you checked the box "not be," you must **explain in** as much **detail** as possible why you do not agree with the request in the Motion form and what you want the court to order. If you need more space, use a separate sheet of paper. Print your explanation as neatly as you can. You will need four copies of this sheet to attach to copies of this form.

(H) Write in today's date and sign your name.

- 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.

(I) 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.

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