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

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) _____
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

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|--|---|---------------------------|
| STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT COUNTY | UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT | CASE NO. and JUDGE |
|--|---|---------------------------|

Court address Court telephone no.

| | | |
|------------------------|---|------------------|
| Plaintiff's name | v | Defendant's name |
| In the matter of _____ | | |

1. The name and present address of each child (under 18) in this case is:

2. The Cities/States/Countries the child(ren) have lived in during the last 5 years along with the dates the child(ren) lived there (include addresses if available):

3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:

4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except**: Specify case name and number, court name and address, and date of child custody determination, if one.

5. I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except**: Specify case name and number, court name and address, and nature of the proceeding.

That proceeding is continuing. has been stayed by the court.

Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation

6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except**: State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is _____ . *See definition of "home state" below.

8. I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

Signature of affiant

Name of affiant (type or print)

Address of affiant

Subscribed and sworn to before me on _____
Date

Deputy clerk/Notary public signature

My commission expires on _____ .

Name (type or print)

Notary public, State of Michigan, County of _____ . Acting in the County of _____ .

This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

*"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. MCL 722.1102(g).

MOTION REGARDING PARENTING TIME

Use this form if:

You already have a court case for divorce, custody, paternity, or family support and you want the court to order parenting time for the first time, or change the parenting time you already have.

FILING FEES

\$100 per motion or
\$100 for a parenting time and support motion filed together

1. Complete required motion form all the way to the "NOTICE OF HEARING" section. See page 2 for additional instructions on how to complete the **MOTION REGARDING PARENTING TIME**.
2. The original motion with fee or Fee Waiver Form must be filed either in person or by mail at:

Wexford/Missaukee Friend of the Court
401 N. Lake Street
Cadillac, MI 49601

**DO NOT SEND THE FORM TO THE CLERK'S OFFICE
WE WILL FILE IT WITH THE CLERK FOR YOU**

The Friend of the Court will schedule the mediation appointment or Referee hearing and send the notice to you and the other parent. Your appointment or hearing will be scheduled as the Court's calendar allows.

Use the following checklist to make sure you have completed all necessary steps.

DID YOU . . .

Fill out all requested information on the form? (Please put a note for the Court in the address section if you do not know the other party's address or the other party's address is confidential.)

By using this form packet you are representing yourself in a court action regarding parenting time. In order to be heard by the Court, you must follow the instructions. If the instructions are not followed, your motion may be delayed or dismissed.

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING PARENTING TIME" and INFORMATION ABOUT ATTENDING A REFEREE HEARING

Items A through H must be completed before your motion can be filed with the Friend of the Court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A) Fill in your Case No., which will be in the upper right-hand corner of your Court papers for divorce, custody, paternity, or family support.
- (B) Fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. These names will also be on your Court papers. 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 also 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 Court order for divorce, custody, paternity, or family support 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. You will find the date of the Order next to the Judge's signature. If there is no information about parenting time, check box b. Complete the attached Uniform Child Custody Jurisdiction Enforcement Act Affidavit.
- (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.
- (E) Check this box if you and the other parent 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.
- (F) Check this 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.
- (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.
- (H) Write in today's date and sign your name. Now file at the Wexford/Missaukee Friend of the Court office. See instructions for filing on the first page of this packet.
- (I) **AFTER YOUR MOTION IS FILED, THE FRIEND OF THE COURT WILL SCHEDULE A MEDIATION APPOINTMENT OR REFEREE HEARING. THE DATE AND TIME OF THE APPOINTMENT OR HEARING WILL BE FILLED IN THIS BOX.**

Once you have filed your **MOTION REGARDING PARENTING TIME** you may be scheduled to attend a hearing in front of a Referee. The following is information about attending that hearing.

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, outlined in the Michigan Rules of Evidence.
2. Make a list of information you think is important for the Referee to know ahead of time. The information should relate to the reasons you are asking the Court to do something. You can use your list in the hearing as a reminder to bring up the points you think are important.
3. If you think you need to order someone, (a witness), to attend this hearing, follow the procedures in Michigan Court Rule 2.506, go to Michigan Legal Help, or consult with an attorney.
4. Come to the Friend of the Court or follow the Zoom instructions mailed with your Notice on the scheduled day and time. Dress neatly. Arrive there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring your list of information and any witnesses with you.
5. When you are called, take a seat at one of the tables in front of the bench. The Referee will review your motion and ask questions.
6. Answer the Referee's questions clearly and directly.
7. If the other parent is in court, he or she will have a chance to speak also. When the other parent talks, you may take notes, but do not interrupt the other parent. After the other parent speaks, you will have another chance to talk. Use your notes to keep track of what you want to say in response.
8. At any time during the hearing, you and the other parent may come to an agreement. If that happens, a written order of your agreement, called a "stipulation", will be prepared for both of you to sign while you are there. The "Stipulation" will be sent to the Judge to sign. After the Judge signs, a copy of the signed order will be mailed to you.
9. If no agreement is reached, the Referee will prepare a written Recommendation and Order. The Referee has 21 days to complete the Recommendation and Order. A copy will be mailed to you when complete.

NOTE: If the Referee prepares a Recommendation and Order and one or both of you do not agree with the Referee's decision, you may file an Objection to Referee's Recommended Order **within 21 days**. Follow the instructions included with the Objection and a hearing will be scheduled before the Judge.