

## Motion Regarding Parenting Time



This motion is for changing a **PARENTING TIME** order that ALREADY EXISTS. If you DO NOT already have an order or a Friend of the Court case, please do not use this motion.

If you wish to START a PARENTING TIME order, you must hire an attorney, or call the Department of Human Services - Office of Child Support at 1-866-540-0008 if you wish to have a Child Support and Parenting Time order established. After dialing this number, press 1 and then state that you want to start a case.

Thank you.  
Friend of the Court Staff

# Form FOC 65

## MOTION REGARDING PARENTING TIME

### Use this form if:

- You have a temporary order on a pending divorce, separate maintenance, family support, or paternity case and you want the court to either order parenting time or change parenting time; or
- You have a judgment of divorce, an order for separate maintenance, a family support order, or a paternity order but parenting time was not included; or
- You already have parenting time addressed in your judgment of divorce, order for separate maintenance, your family support order, or your paternity order **and** you want the court to either order parenting time or change parenting time.

## INSTRUCTIONS FOR COMPLETING/FILING THE MOTION REGARDING PARENTING TIME

1. File the motion paperwork with the Jackson County Clerk's office located at 312 S. Jackson St, Jackson, MI 49201. You must pay a \$100.00 motion fee. If you can't afford to pay the motion fee, ask the County Clerk for an Affidavit and Order, Suspension of Fees/Costs (Form MC20) to complete. The Clerk's office will provide you with the Judge/Referee assigned to hear your motion and the date, time and the location of your motion hearing. The Clerk's office will prepare a NOTICE OF HEARING containing this information and attach it to your Motion.
2. The County Clerk's office will have you sign and date Section J (CERTIFICATE OF MAILING) in front of them. The County Clerk's office will keep the original motion form and provide you with 2 copies. One copy is for your records. **The other copy must be mailed (by First Class Mail) to the other parent. The other party must have notice at least 9 days prior to the hearing date. Notice must be mailed to the party's last known address.** If there is a non-parent custodian or guardian, ask the Clerk for an extra copy, so you can mail them a copy.
3. The other party can file a response at the County Clerk's office in writing or by using FOC 66 Form--RESPONSE TO MOTION REGARDING PARENTING TIME. If you receive a response from the other party, make sure to read the response prior to your hearing date.
4. If you live more than 50 miles away from our office and wish to participate by phone for your motion hearing, then note that you require phone participation on your motion form.

NOTE: If your hearing is held in front of a FOC Referee and you do not agree with the Referee's decision, you have the right to object in the hearing room. The Referee will set a hearing date for your Motion Objection to be heard in front of the Judge assigned to your file. This hearing will be held at the Jackson County Courthouse.

**\*SEE REVERSE SIDE FOR STEP-BY-STEP INSTRUCTIONS ON COMPLETING THE MOTION FORM\***

**Instructions for completing the Motion Regarding Parenting Time**  
**The letters below correspond to the letters on the motion form**

- A** Fill in the CASE NO. You can get this number from your court papers for custody, divorce, family support or paternity.
- B** Fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third party" box. This information is also located on your court order. Since you are completing this form, you are the "moving party". Check the box "moving party" in the same box as your name.
- C** If you have a parenting time order, check box 1.a. and enter the date of the order. If there is no parenting time order, check 1.b. Complete and attach the Uniform Child Custody Jurisdiction Enforcement Affidavit (MC 416) form provided with this packet.
- D** Check this box only if you checked box "a" in letter C above and the parenting time order(s) have not been obeyed. Carefully review and 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. Attach this to your motion when you file it.
- E** Check this box and write in the other party's name if you and the other party have agreed to start parenting time or make changes in your 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. Attach this to your motion when you file it.
- F** Check the box which best states what you are asking the court to order. You need to explain why you think it is in the best interest of the child(ren) for the court to order your request. Use a separate sheet of paper, if necessary, to explain. Attach this to your motion when you file it.
- G** Check the box that best explains what you want the court to order. Explain in as much detail as possible. Use a separate sheet of paper, if necessary. Attach this to your motion when you file it.
- H** Write in today's date (date of filing) and sign your name. Take the completed motion form to the Jackson County Clerk's office to file.
- I** As opposed to having you complete Letter I, the Clerk's office will provide you with a Notice of Hearing to attach to your motion. Do not complete Letter I.
- J** The Clerk's office will have you sign and date Letter J stating that you will mail a copy of this form to the other party by first class mail. After leaving the Clerk's office, immediately mail the motion and all attachments to the other party.

Approved, SCAO

STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY

MOTION REGARDING PARENTING TIME

A CASE NO.

Court address

Court telephone no.

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

Third partys 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



"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.