

# Motion Regarding Parenting Time

<b>When to Use:</b>	<ul style="list-style-type: none"> <li>You have a current order regarding parenting time, <b>and</b></li> <li>You want to change that order, <b>and</b></li> <li>The other party does <b>not</b> agree.</li> </ul>
<b>Required Forms:</b>	<p><b>FOC 65</b> – Motion Regarding Parenting Time  <b>MC 416</b> – Uniform Child Custody Jurisdiction Enforcement Act Affidavit</p>
<b>Optional Forms:</b>	<b>MC 20</b> – Fee Waiver Request
<b>Forms Website:</b>	<a href="http://www.courts.mi.gov">www.courts.mi.gov</a>
<b>Filing Website:</b>	<a href="https://mifile.courts.michigan.gov">https://mifile.courts.michigan.gov</a>
<b>Filing Type:</b>	Motion to Modify Parenting Time and/or Custody, Post Judgment
<b>Filing Fees:</b>	\$100
<b>Method of Payment:</b>	Credit Card
<b>Copies:</b>	None
<b>Notes:</b>	The Uniform Child Custody Jurisdiction Enforcement Act Affidavit (UCCJEA) refers to the child’s home state. Home State is the state in which the child lived with a parent or 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.
<b>Instructions:</b>	<ol style="list-style-type: none"> <li>Complete the Motion Regarding Parenting time. Make sure to enter: <ul style="list-style-type: none"> <li>The date of your last order (#1);</li> <li><b>Why</b> it’s in the child’s best interest to change parenting time (#5); and</li> <li><b>What</b> you are asking the court to do (#6).</li> </ul> <p>There is an extra sheet included in this packet if you need more room to write your responses.</p> </li> <li>Sign and date your motion. The court will complete the “Notice of Hearing” section after you file your motion.</li> <li>Complete the UCCJEA. Sign the UCCJEA in front of a notary. There is a notary in the clerk’s office.</li> <li>File your paperwork on MiFILE.</li> </ol>
<b>Case Information:</b>	<p>Your case number is: _____</p> <p>You are the <input type="checkbox"/> plaintiff <input type="checkbox"/> defendant.</p> <p>You are the moving party.</p> <p>The date of your last order is: _____</p>

## INFORMATION ABOUT ATTENDING A REFEREE HEARING

Once you e-filed your **MOTION REGARDING PARENTING TIME** you will be scheduled to attend a hearing in front of a referee. The following is information about attending that hearing.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
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 this list 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 or consult with an attorney.
4. During the hearing, answer the Referee's questions clearly and directly.
5. If the other party is in court, he or she will have a chance to speak also. When the other party talks, you may take notes, but do not interrupt the other party. After the other party speaks, you will have another chance to talk. Use your notes to keep track of what you want to say in response.
6. At any time during the hearing, you and the other party 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 for his signature. After he signs, a copy of the signed order will be sent to your MiFile account or mailed to you.
7. If no agreement is reached, the referee will prepare a written Recommendation or Temporary Order. The Referee has 21 days to complete the Recommended or Temporary Order. Copies are sent to your MiFile account or mailed to you when complete.

**NOTE:** If the Referee prepares a Recommended or Temporary Order and one or both of you do not agree with the Referee's decision, you may e-file an objection **within 21 days**. The objection form may be emailed, sent to your MiFile account or mailed with the Referee's Recommended or Temporary order. This form is also available at the Legal Self-Help Center. The deadline date for the objection will be on the form.

**PLEASE NOTE: If you fail to attend the hearing, you will be unable to file an objection.**

<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

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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 \_\_\_\_\_

<b>State of Michigan 20<sup>th</sup> Circuit Court Ottawa County</b>	<b>Motion Regarding Parenting Time</b> Page 2	<b>Case Number</b>
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**Court Address:** 414 Washington Ave., Room 320, Grand Haven, MI 49417     **Court Phone:** 616-846-8315

**Plaintiff Name:**

**Defendant Name:**

5. I want to change my current parenting time order because:

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6. I want the court to do the following:

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STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT COUNTY	UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT	CASE NO. and JUDGE
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Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name _____	v	Defendant's name _____
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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).