

# MOTION TO MODIFY PARENTING TIME

## Use this form if:

You already have a court order for divorce, separate maintenance or order of filiation and you want the court to order parenting time for the first time, or change the parenting time you already have.

## **DIRECTIONS FOR COMPLETING A MOTION TO MODIFY PARENTING TIME BY MAIL**

### FILING FEES and METHOD OF PAYMENT

\$100 per motion or  
\$100 for a parenting time and support motion filed together  
**A money order is the only type of payment accepted by mail.**

1. Complete the required motion form all the way to the “**NOTICE OF HEARING**” section.
2. Attach the completed form and **money order** for the filing fee made payable to the **Ottawa County Clerk** and mail to:

Circuit Court Records  
414 Washington, Room 320  
Grand Haven, MI 49417

### **DO NOT SEND THE FORM TO THE FRIEND OF THE COURT**

Circuit Court Records will record your payment and send your form to the Circuit Court Trial Division Assignment Clerk who will complete the “NOTICE OF HEARING” section. The Assignment Clerk will add the date, time and place to appear for the hearing on the notice and mail it to you and the other party. Your hearing will be held within 4-6 weeks as the Court’s calendar allows.

Use the following checklist to make sure you have done everything before mailing the form.

### **DID YOU . . .**

- Fill out all requested information on the form? (Please attach a note to your form to let the Court know if you do not know the other party’s address or the other party’s address is confidential).
- Include a money order for the filing fee ? (\$100 if you are filing this motion only or \$100 if you are filing this motion and a support motion at the same time).

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.

# MOTION TO MODIFY PARENTING TIME

## Use this form if:

You already have a court order for divorce, separate maintenance, custody, or order of filiation and you want the court to order parenting time for the first time or change the parenting time you already have.

## **DIRECTIONS FOR COMPLETING A MOTION TO MODIFY PARENTING TIME IN PERSON**

### FILING FEES and METHOD OF PAYMENT

\$100 per motion or

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

**Payment can be made with cash, a money order or credit card (Visa, MasterCard or Discover) Note:** If using a money order, make it payable to the **Ottawa County Clerk**

1. Complete the required motion form all the way to the **"NOTICE OF HEARING"** section.
2. Take the completed form and **payment** for the filing fee to:

Circuit Court Records  
414 Washington, Room 320  
Grand Haven, MI 49417

### **DO NOT BRING THE FORM TO THE FRIEND OF THE COURT**

Circuit Court Records will record your payment and send your form to the Circuit Court Trial Division Assignment Clerk who will complete the "NOTICE OF HEARING" section. The Assignment Clerk will add the date, time and place to appear for the hearing on the notice and mail a copy to you and the other party. The hearing will be scheduled within 4-6 weeks as the Court's calendar allows.

Use the following checklist to make sure you have done everything before going to Circuit Court Records.

### **DID YOU . . .**

- Fill out all requested information on the form? (Please attach a note to your form to let the Court know if you do not know the other party's address, or the other party's address is confidential).
- Bring cash, a money order or a credit card to pay the filing fee (\$100 if you are filing this motion only, or \$100 if you are filing this motion and a support motion at the same time).

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.

## INFORMATION ABOUT ATTENDING A REFEREE 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 a witness to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the referee's hearing room on the scheduled day and time. Dress neatly. Arrive there 10 to 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the referee hearing room, take a seat and wait until your case is called. Do not interrupt any hearing in progress.
6. 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.
7. Answer the referee's questions clearly and directly.
8. 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.
9. 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 mailed to both of you.
10. 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 mailed to each of you when completed.

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 object in writing within 21 days. The objection form will be mailed to you in the same envelope as the Referee's Recommended or Temporary Order. 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.**

**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

v

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

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.

- (D)**  2. \_\_\_\_\_ 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)**  3. \_\_\_\_\_ 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)** 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 \_\_\_\_\_ 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 and notice of hearing on the parties or their attorney by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

**(J)** \_\_\_\_\_  
Date Moving party's signature