

## **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**

#### **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.
2. The motion must be e-filed at MiFile <https://mifile.courts.michigan.gov> or e-file at:

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 and the Circuit Court Trial Division Assignment Clerk will electronically process the motion. The Assignment Clerk will schedule the hearing and send the notice to you and the other party MiFile account, by email, or by mail. Your 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 mailing the form.

#### **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.

## 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.**

<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 JUDICIAL CIRCUIT PROBATE COURT COUNTY</b>	<b>UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

<b>CASE NAME:</b>
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- The name and present address of each child (under 18) in this case is:
  
- The addresses where the child(ren) has/have lived within the last 5 years are:
  
- The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:
  
- 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.
  
- 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.
  
- 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 back for definition of "home state."

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
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Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Date      Signature: \_\_\_\_\_

Notary public, State of Michigan, County of \_\_\_\_\_

"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.