

NOTICE

FEES FOR FILING PETITION-ENTRY OF COURT ORDER FOR MODIFICATION OF PARENTING TIME

As a result of laws passed by the Michigan legislature, in order to have a modified order entered as to Parenting Time you must **pay \$100.00**. (This includes a \$20.00 filing fee and \$80.00 motion fee.) Total fees must be paid at the time the Motion is filed with the County Clerk. (Any combination of Child Support, Parenting Time or Custody motions, you must pay \$100.00.)

If the parties can come to a mutual agreement in writing to present to the Judge before the hearing date, the hearing can be cancelled and neither party would have to appear in court. In this instance, you may contact the Friend of the Court office or the Judge's Administrative Aide for a Stipulated Agreement form.

FEE WAIVER:

The entry fee and filing fees may be waived if a party signs an affidavit that they are on Public Assistance or unable to pay the fee because of indigence. Michigan Court rule 2.002. The Court uses the United States Health and Human Services Poverty Guidelines to determine if a party is indigent.

QUESTIONS? Call the Marquette County Clerk at 906-225-8330 or the 25th Circuit Family Court Administrative Aide at 906-225-8205.

FORM FOC 65

MOTION REGARDING PARENTING TIME

Use this form if:

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

MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU...

1. Fill out all requested information on the form? YES
2. Contact Judge Mazzuchi's office at **225-8205** and obtain a hearing date? YES
3. File the motion with the county clerk and pay the motion fee?
\$100.00 payable to the County Clerk. YES
4. After the judge and hearing date are written on the motion, mail (serve)
a copy of the motion on the other party and on any other custodian/guardian? YES
5. Keep one copy of the motion and notice of hearing form for yourself? YES

If you cannot answer "yes" to all of the above steps, a hearing on your motion may be delayed or your motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding parenting time. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the parenting time you want.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

**INSTRUCTIONS FOR USING FORM FOC 65
FILING A MOTION AND SERVING A MOTION**

FILING A MOTION

1. Fill out the Motion form.

Use the instructions on page 5. Since there is only an original of the form in this packet, type or print neatly. Be careful not to make mistakes.

Before filling out the “Notice of Hearing” part of the form, contact **Judge Mazzuchi’s Administrative Aide at 906/225-8205** for a hearing date.

2. File the Motion form with the county clerk.

Take the original form to the Marquette County Clerk’s office, they will provide you with copies and instructions regarding service to the other party.

You must pay a \$100 motion and entry fee at time of filing. If you can’t afford to pay the fees, ask the clerk for an Affidavit and Order, Suspension of Fees/Costs (Form MC 20) not included in this packet to fill out.

The clerk will keep the original and 1 copy of the motion and any attachments for the court file and Friend of the Court. Then the clerk will return your copy and attachments to you. Do not lose them.

SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve your completed Motion and Notice of Hearing (FOC 65) on the other party. Also provide the blank response form (FOC 66) so the other party can respond to your motion.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the motion and hearing date at least 9 week days (not including holidays) before the hearing date.

NOTE: SERVE THE PAPERS BY MAILING THEM TO THE OTHER PARTY BY FIRST CLASS MAIL.
Keep 1 copy for your own records.

2. Response from other party.

If you receive a response to your motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

3. Attend the hearing.

You must attend the hearing on the motion.

INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of your motion and the response along with all supporting papers and any witnesses who are willing to testify.

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.
2. Make a list of information you feel is important for the judge to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder to bring up the points you feel are important.
3. If you feel you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's court room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the court room and tell the Judge's Administrative Aide or Court Bailiff your name, that you are there for a hearing and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
6. When your case is called, identify yourself and your current mailing address. State the facts or reasons for your request that you need a parenting time order or a change in a parenting time order. Provide papers such as reports that support your facts or reasons. **Answer the judge's questions clearly and directly.**
7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.

INSTRUCTIONS FOR COMPLETING “MOTION REGARDING PARENTING TIME”
Please print neatly.

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

- A. Before you fill in the Case No., get your court papers for divorce, separate maintenance, family support, or paternity and copy the Case No. from those court papers onto this form.
- B. Also use your court papers to fill in the “Plaintiff” and “Defendant” boxes and if applicable, the “Third Party” box. Copy the names from these court papers onto this form. 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 the “moving party.” Once you have written both 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 judgment or order for divorce, separate maintenance, or paternity,
- 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 party 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 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 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.
- I. Before filling out the “Notice of Hearing” part of the form, contact **Judge Mazzuchi’s Administrative Aide at 906/225-8205** for a hearing date. Once you get a hearing scheduled, fill in the full name of the judge, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

Read page 3 of this booklet for details on mailing this form to the other party.

- J. On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name.

You must read this booklet for directions on the legal process.