

SAGINAW COUNTY FRIEND OF THE COURT
INSTRUCTIONS FOR FILING
MOTION REGARDING PARENTING TIME (FOC 65)

Use this Motion if: you already have a Judgment/Order or Paternity case and parenting time was not included or you want to change your current parenting time order.

Do NOT use this Motion form: to start a parenting time case or if you are a third party wanting parenting time. If you were denied parenting time, DO NOT FILE THIS MOTION. Use the Request for Enforcement of Parenting Time form.

By filing this motion, you are requesting a **HEARING** in front of the **Judge**- if you have an agreement regarding parenting time **DO NOT USE THIS FORM-** use the Consent Order Request Form

FILING YOUR MOTION

- 1) Fill out the FOC 65 Motion Regarding Parenting Time and the MC 416 Uniform Child Parenting Time Jurisdiction Enforcement Act Affidavit (use a separate sheet and attach if you need more room to explain).
- 2) Bring, mail, or email your FOC 65 and MC 416 and four copies of your documents to the Circuit Court Clerk's Office at [111 S. Michigan Ave., Saginaw, MI 48602, circuitcourtreCORDSfiling@saginawcounty.com](mailto:circuitcourtreCORDSfiling@saginawcounty.com). Please see the County Clerk's website for further electronic filing instructions. If you mail your motion, include a self-addressed stamped envelope for the Clerk to return copies to you.
- 3) You will need to pay a \$100 filing fee with this motion by check or money order. If you file electronically, a clerk will contact you for your payment information. If you cannot afford this fee, please fill out a Fee Waiver Request (Form MC 20) and file along with your motion.
- 4) The Court Clerk will keep the original and one copy and return the remaining copies to you.

SERVING YOUR MOTION

- 1) You **MUST** serve the Motion and form MC 416 to the other party (and attorney if represented) as soon as possible after filing your motion and at least **9 days before your hearing**. This is done by mailing the Motion, MC 416 and all attachments by first class mail to other party/attorney. If you do not have the other party's address, you can obtain it from the Circuit Court Clerk's office.
- 2) After mailing the Motion and form MC 416, complete the CERTIFICATE OF MAILING section on the bottom of the Motion.
- 3) **YOU MUST FILE YOUR CERTIFICATE OF MAILING:** Return to the Clerk's office to file two copies of the certificate of mailing. The court clerk will route a copy to the Friend of the Court.

PREPARING FOR YOUR HEARING

- 1) You must attend the hearing on your motion. If you do not appear, your motion will be denied and you will have to re-file your Motion. Hearings may be conducted by video conferencing (Zoom). You should receive all information on video conferencing from the Court prior to your hearing date.
- 2) If the other party responds to your motion, just read the response and be prepared to address it at your hearing.
- 3) Your hearing may result in a referral to the Friend of the Court for an evidentiary hearing before the Referee.

Approved, SCAO

Original - Court
1st copy - Other party
2nd copy - Moving party

3rd copy - Friend of the court
4th copy - Proof of service
5th copy - Proof of service

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	MOTION REGARDING PARENTING TIME	(A) CASE NO.
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Court address

Court telephone no.

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

Third party 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 _____ /s/ _____
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

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.

CASE NAME:

1. The name and present address of each child (under 18) in this case is:

2. The addresses where the child(ren) has/have lived within the last 5 years are:

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 next page 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

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.