

Form FOC 66

**RESPONSE TO
MOTION REGARDING PARENTING TIME**

Use this form if:

- The other party files a motion regarding parenting time (usually on Form FOC 65).

Please read the instructions carefully before completing your response.

INSTRUCTION PAGE
Do not submit this page with your motion

INSTRUCTIONS FOR FILING THIS RESPONSE TO MOTION

FEES: There are no filing or judgment fees associated with filing a response to the other party's motion.

1). COMPLETE THE RESPONSE TO MOTION FORM: The form (FOC 66) should be completed in a legible manner by either neatly printing or typing the requested information. Keep in mind that the Court processes hundreds of motions and responses a year. Time spent trying to decipher what a party intended to write down is less time that the Court will have to devote to the legal issues that are presented by the motion. You should first obtain a copy of the most recent Court order in your case before you begin.

- A). Carefully complete the case number section (box A in the upper right hand corner) by referring to your copy of the most recent order.
- B). Correctly identify the Plaintiff, Defendant and/or Third Party by also referring to your copy of the most recent order. The other party is the "moving party". Be certain to check the box "moving party" where the other party's name appears.
- C). Check your prior orders and see if parenting time for the child(ren) was ordered. If yes, check box 'a'. If not, check box 'b'.
- D). Refer to the other party's motion regarding parenting time (Form FOC 65). If the other party has checked boxes in section D on the motion form, then you should check the 'have' or 'have not' boxes in this section. Explain what has occurred regarding the parenting time arrangement on a separate sheet and attach it to this form. Attachments should be on 8 ½ by 11 inch paper and, if typed, double spaced. If the other party has not checked boxes in section D on the motion (Form FOC 65), do not answer this section.
- E). Check this box and box 'a' if you and the other party agree to what the parenting time agreement should be as stated in the motion (Form FOC 65). If you are in agreement as to what the order should be, you may want to contact the Friend of the Court Office to ascertain if a stipulated order can be prepared in place of having a hearing. Check this box and box 'b' if you agree to start or make changes to the parenting time arrangement, but you do not agree to what was stated in the motion. If you check box 'b', you should state with, as much specificity as possible, what you and the other party have agreed to. Attachments should be on 8 ½ by 11 inch paper and, if typed, double spaced. Check box 'c' if you do not agree with the other party to

INSTRUCTION PAGE

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establish or modify a parenting time arrangement.

- F). Indicate whether you agree or do not agree that the parenting time should be established or changed as stated in the motion (Form FOC 65). If you do not agree to the establishment or modification of parenting time, explain to the Court why it is not in the children's best interest to do so. Attachments should be on 8 ½ by 11 inch paper and, if typed, double spaced.
- G). Explain in this section what it is you would like the Court to order regarding the parenting arrangement of the child(ren). Attachments should be on 8 ½ by 11 inch paper and, if typed, double spaced.
- H). Be sure to date and sign your motion.
- I). Do not complete the Certificate of Mailing until instructed to do so in step 4). **SERVE THE RESPONSE ON THE OTHER PARTY**

2). COPY THE RESPONSE: You must make at least three copies of your completed response to motion form and any attachments. Plus you will need two copies without attachments for proof of service. This is a total of five copies of your response. You will need a sixth copy if there is a third party (custodian or guardian who is not a parent) who also must receive a copy of the response.

3). FILE THE RESPONSE WITH THE COUNTY CLERK: Take the original and five copies to the Delta County Clerk's Office. The Clerk's Office will keep the original response and attachments for the Circuit Court file and one copy of the response and attachments to give to the Friend of the Court Office. Retain one copy and any attachments for your records. You should still have one copy with any attachments for the other party and two copies for proof of service.

4). SERVE THE RESPONSE ON THE OTHER PARTY: Michigan Court Rule 2.119 requires that the other party be served with a copy of the response at least 5 days before the hearing if notified by mail. Service in Delta County is usually accomplished by mailing via the United States Postal Service.

Mail one complete copy with any attachments to the other party. If there is a custodian or guardian, mail one copy with any attachments to that person as well. Fill out the Certificate of Mailing on the two remaining copies of the response and the copy of the response with any attachments that you have kept for yourself. Return to the Delta County Clerk's Office with the two remaining copies of the response with completed Certificate of Mailing. The Clerk's Office will keep one copy for the Circuit Court file and forward one copy to the Friend of the Court Office

CONFIDENTIAL ADDRESSES: If the other party has a confidential address, you will need to prepare a stamped, self-addressed envelope for the two copies of your response that are to be submitted with completed Certificate of Mailing. Do not complete the Certificate of Mailing section. Take the envelope, the two copies of your response for the Delta County Clerk's Office and the copy of your response with any attachments for the other party to the Friend of the Court Office. Within one business day, the Friend of the Court Office will mail the copy of your response with any attachments to the other party. The Friend of the Court will then mail to you, in the envelope you have provided, the two copies of your response with completed Certificate of Mailing. Return to the Delta County Clerk's Office with the two remaining copies of the response with completed Certificate of Mailing. The Clerk's Office will keep one copy for the Circuit Court file and forward one copy to the Friend of the Court Office

RESPONSE TO MOTION CHECKLIST

Read the preceding instructions carefully and follow all of the steps in the order in which they are set forth. Even though you are proceeding without an attorney, you are still required to follow all of the court rules and procedures. If you do not follow all of the instructions, your response to the motion regarding custody may not be read by the Court.

- Step One:** Complete the response form Yes
- Step Two:** Make the required number of copies Yes
- Step Three:** File the response with the Clerk's Office Yes
- Step Four:** Serve the response on the other party Yes
- Step Five:** File the Certificate of Mailing with the Clerk's Office Yes
- Step Six:** Keep a complete copy of the response for yourself..... Yes

ATTEND THE HEARING

<p>INSTRUCTION PAGE Do not submit this page with your motion</p>

Approved, SCAO

Original – Court
1st copy – Moving party
2nd copy – Responding party

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

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	RESPONSE TO 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.

D 2. I have have not _____ disobeyed the parenting-time order as stated in the motion.
Explain in detail what you do not agree with in item 2. of the motion and why. Include all necessary facts. Use a separate sheet of paper if needed.

E 3. a. I agreed with the other party to start or make changes in parenting time as state in the motion.
 b. I agreed with the other party to start or make changes in parenting time. They were not what was stated in the motion.
 c. I did not agree with the other party to start or make changes in parenting time.
If b. is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

F 4. I agree do not agree that it is in the best interests of the child(ren) to establish change parenting time as stated in the motion.
If you do not agree with the motion, explain why it is in the best interests of the child(ren). Use a separate sheet of paper if needed.

G 5. I ask the court to order that parenting time be not be established changed made up as stated in the motion.
If you do not agree with the request in the motion, explain in detail what you want the court to order. Use a separate sheet of paper if needed.

H _____
Date

Responding party's signature

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this response on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

I _____
Date

Responding party's signature