

**Osceola County Friend the Court  
301 West Upton Avenue  
P.O. Box 135  
Reed City, MI 49677  
(231) 832-6131**

## **RESPONSE TO MOTION REGARDING PARENTING TIME – FOC 66**

### **USE THIS FORM IF:**

- ◆ You have received a motion regarding Parenting Time (FOC 65). By filling out this form, you are answering the statements made in the Motion.

This is your response to the other party and to the court as to the petition Regarding Parenting Time filed by the other party.

### **INSTRUCTIONS:**

- A.** Before you fill in the Case No., get your copy of the Motion Regarding Parenting Time (Form FOC 65) and copy the Case No. from that paper onto this form.
- B.** Also use the Motion to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from the motion 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 response form.

(The other party is the "moving party". Once you have written both names where they belong, you must check the box "moving party" in the same box as the other party's name.)

- C. Check only one box.** If you have a judgment or order for divorce, separate maintenance, or paternity, read it carefully to find out if there is any information in it about parenting time. If there is information about parenting time, check box a. If there is no information about parenting time, check box b.
- D.** Check this box only if "**D**" is checked on the Motion form (FOC 65). If you disagree that the parenting time orders were not obeyed as stated in the motion, check the box "have not", you must explain why you do not agree, with the motion. Explain in as much **detail** as possible what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. (You will need **3 copies** of this sheet to attach to **3 copies** of this form).

- E.** Check this box only if "**E**" is checked on the Motion form (FOC 65). Then check either box a, b, or c. If you check box b, explain in as much **detail** as possible what you agreed on. If you check box c, explain in as much **detail** as possible why you do not agree with the motion. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. (You will need **3 copies** of this sheet to attach to **3 copies** of this form).
- F.** Check whether you "agree" or "do not agree" that the Motion (FOC 65) is in the best interests of the child(ren). Then check the same box that was checked on "**F**" on the Motion form (FOC 65). If you checked the box "do not agree", you must explain in as much **detail** as possible why your response is in the best interests of the child(ren). If you need more space, use a separate sheet of paper. (You will need **3 copies** of this sheet to attach to **3 copies** of this form).
- G.** If you agree with the request in the Motion (FOC 65), check the box "be". If you do not agree with the request, check the box "not be", you must explain in as much **detail** as possible why you do not agree with the request in the Motion and what you want the court to order. If you need more space, use a separate sheet of paper. Print your explanation as neatly as you can. (You will need **3 copies** of this sheet to attach to **3 copies** of this form).
- H.** Write in today's date and sign you name.
- I.** On the date that you file this Response, complete the certificate of mailing on all of your copies. **File the original** with the **County Clerk**, a copy with the Friend of the Court Office, mail a copy to the other party along with any attachments, and keep a copy for yourself.

**As a reminder you need to have the Response Form turned into the other offices' and mailed to the other party at least 5 days (not including holidays) before the hearing date. You may serve the form by regular, first class mail.**

**You must attend this hearing. Since you are representing yourself, you are expected to follow the same general rules as an attorney would. It is your responsibility to back up your petition with facts as to why this would be in the best interest of the child(ren). The Friend of the Court Office will not represent you or the other party.**

Check in at the Friend of the Court office on the scheduled day and time, 10 to 15 minutes early. Dress neatly. Be prepared to spend most of the morning or afternoon in court. If you feel you need to subpoena someone to attend this hearing follow the procedure in Michigan Court Rule 2.506 or consult an attorney.

After the hearing, the Friend of the Court Referee will make a Recommendation. If no Objection is filed within **21 days** of the proof of mailing, the Recommendation will become an Order of the court.

STATE OF MICHIGAN  
 JUDICIAL CIRCUIT  
 COUNTY

 RESPONSE TO  
 MOTION REGARDING PARENTING TIME

## CASE NO.

Court address

Court telephone no.

**B**Plaintiff's name, address, and telephone no.  moving partyDefendant's name, address, and telephone no.  moving partyThird party name, address, and telephone no.  moving party**V**

**C** 1.  a. On \_\_\_\_\_ a judgment  
 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 stated 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 and attach.

**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 and attach.

**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 and attach.

**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

# The 18<sup>th</sup> PROBATE COURT & 49<sup>th</sup> CIRCUIT COURT - FAMILY DIVISION

MECOSTA COUNTY  
Mecosta County Courthouse  
400 Elm Street  
Big Rapids, MI 49307  
Phone: (231) 592-0135  
Fax: (231) 592-0191

Honorable Tyler Thompson  
Probate and Family Court Judge



OSCEOLA COUNTY  
Osceola County Courthouse Annex  
410 West Upton  
Reed City, MI 49677  
Phone: (231) 832-6127  
Fax: (231) 832-6181

## POLICY ON DE NOVO JUDICIAL HEARINGS FOLLOWING OBJECTIONS TO FOC REFEREE RECOMMENDATIONS

This policy is adopted by the Family Division of the 49<sup>th</sup> Circuit Court, pursuant to MCL 552.507 and MCR 3.215, to avoid duplicative litigation and conserve resources of litigants and of the Court:

**1. Request for De Novo Hearing:** Following referee hearings in domestic relations matters, a party wishing to object to any recommendation made by the Referee shall, within 21 days after the recommended interim order is served on the parties, file a written objection with the Clerk, obtain a judicial hearing date and serve copies of the written objection and notice of hearing on the opposing party and Friend of the Court. *In order to schedule a hearing, you must contact the judicial scheduling clerk at 231-592-0135 ext. 2.*

- a. **Service:** The objecting party shall serve copies of the written objection and notice of hearing on the opposing party and on the Friend of the Court.
- b. **Contents:** The Objection shall include a clear and concise statement of specific errors of law or clearly erroneous findings of fact made at the Referee hearing. Matters not specifically objected to will not be considered by the Court. Objection forms will be made available at the FOC office.
- c. **Transcripts:** The objecting party shall contact the office of the Friend of the Court to request preparation of a transcript of the referee hearing. The transcript shall be submitted to the court for review prior to the scheduled *de novo* hearing. Unless waived by the court pursuant to paragraph 4, the costs of transcription shall be paid in full by the objecting party before the transcript is prepared. If payment in full is not received at least 2 weeks prior to the scheduled judicial hearing, the objection will be deemed withdrawn and the hearing will be cancelled.
- d. **Pre-Hearing Conference:** Upon request, the Court may schedule a pre-hearing conference, as necessary to advance the purpose of this policy.

**2. Scope and Form of Review:** The Court will consider the case file, the written objections and Referee hearing transcript to determine the scope and form of its *de novo* review. Depending on the circumstances of each case, the court's review and decision may:

- a. Be based entirely upon the record of the referee hearing (including exhibits and any memoranda, recommendations, or proposed orders by the referee); or
- b. Be based in part on the entire record of the Referee hearing, supplemented by relevant new evidence that was not introduced at the referee hearing (see 3, below), or
- c. Be based entirely upon evidence presented at a "live" judicial hearing.

**3. Supplementing the Record:** Requests to supplement the record shall include an affidavit or sworn statement stating the substance of the proposed new evidence and establishing that it was not available at the time of the referee hearing. On a sufficient showing, a "live" judicial hearing may be held to supplement the record with such new evidence. Alternatively, the Court may remand the matter to the Referee to supplement the record.

**4. Transcription Costs. Indigence:** If the objecting party prevails, the cost of the transcript may be apportioned equally between the parties; if the *de-novo* hearing fails to change the outcome of the Referee hearing, the cost is completely assumed by the party who sought the judicial hearing. On a showing of indigence, the Court may waive the transcription costs incurred or apportioned to any party.

**5. Frivolous Objections:** If the court determines that an objection is frivolous or has been interposed for the purposes of delay, the court may assess reasonable costs and attorney fees. MCR 3.215(F)(3); MCR 2,114(E), (F); MCL 600.2591.

The signature of Tyler Thompson, Presiding Judge, 49th Circuit Court, Family Division.  
Tyler Thompson  
Presiding Judge  
49<sup>th</sup> Circuit Court, Family Division