

37th JUDICIAL CIRCUIT COURT
FAMILY DIVISION
Friend of the Court

**Answer to Motion for Modification of
Parenting Time**

Forms and Instructions

ANSWER TO MOTION REGARDING PARENTING TIME AND CHILD SUPPORT

Use this form if:

- You are served with a Motion to Modify Parenting Time and Support.
- By filling out this form, you are formally answering the statements made in the motion.

By filling in this form and using the instructions, you are representing yourself in a court action regarding custody, parenting time and support. You will be held to the same standard as an attorney in presenting your case. You must formally file an Answer to the motion in order to be assured that the court can consider your position. Simply appearing at the motion hearing may not be sufficient.

Please read all of the instructions before beginning your Answer.

After you fill out the Answer form, you must file it with the Court and serve it on the other party. You will also need to attend the hearing.

INSTRUCTIONS FOR USING THE ANSWER TO MOTION FORM

1. Fill out the Answer to Motion form.

If you receive a motion and notice of hearing from the other party, you need to respond in writing to the party and the court. Use the line by line instructions to complete the Answer form. After you complete the Answer make 3 copies of it.

2. File the Answer form with the Circuit Court Clerk.

Take the original and 3 copies of the Answer to the Circuit Court Clerk at the Justice Center in Battle Creek. The Clerk will keep the original for the court file and one copy. Keep one copy for yourself. Serve the other copy on the opposing party.

3. Certificate of Mailing.

Complete the Certificate of Mailing. Make 3 copies. The Clerk will keep the original for the court file and one copy. Keep one copy for yourself. Serve the other copy on the opposing party.

4. Serve your Answer on the other party.

You must serve the other party with your Answer. You may serve it personally, or by regular, first class mail. If you choose personal service, the party must be served a copy of your Answer at least 3 days before the hearing date. If you serve by ordinary mail, you must mail your Answer at least 5 days before the hearing date. Be sure your Answer is filed timely with the Clerk of the Court.

Pursuant to the **Michigan Court Rules** (MCR 3.203), **you must mail the Answer to the “legal address” on file with the Friend of the Court.** If you do not know the legal address, you can request that information from the Friend of the Court. You can also send the Answer to a different address if you believe that the FOC address is not correct.

5. Attend the hearing.

You must attend the hearing if you want the court to consider your Answer.

Instructions for Completing Answer to Motion Regarding Parenting Time and Child Support

Items **A through H** must be completed before your Answer can be filed with the court. Please read the instruction for each item. Complete the information for that item on the Answer form.

- A Case Number.** Obtain your court papers from your case and copy the case number from those court papers onto this form. Be sure that the moving party has correctly identified the case, and copy the Case Number from that paper onto this form.
- B Plaintiff and Defendant.** Refer to your court papers to fill in the "Plaintiff" and "Defendant" boxes and, if applicable, the "Intervening Party" box. The other party is the "moving party" because he or she filed the Motion.
- C Current Order.** *Check only one box.* If you have a judgment or order in your case, 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** and write in the date of the most recent order on the line provided. If there is no information about parenting time, check box **b**.
- D Children's names.** Indicate whether or not you agree or disagree with the moving party's identification of the minor children in this case. Write the names and dates of birth for any minor children you believe are involved in the case that were not included on the moving party's motion.
- E Reason for Request for Change in Parenting Time.** Indicate whether or not you agree or disagree with the moving party's statement of why parenting time should be changed by the court.
- F Requested Parenting Time.** Indicate whether or not you agree or disagree with the moving party's statement of what the court should order for parenting time.
- G Sign and Date.** Fill in the date that you completed the Answer and sign your name. Contact the assigned Referee Assistant (969-6500) to obtain a hearing date.
- H Certificate of Mailing.** On the day that you serve your Answer on the other party, write in the date and sign your name on the Proof of Service/Certificate of Mailing. Return the original Certificate of Mailing to the Circuit Court Clerk with one copy. Keep one copy for your records.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

B Plaintiff's name, address and telephone no. moving party **v** Defendant's name, address, and telephone no. moving party

Intervening Party's name, address and telephone no. moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

C 1. a. On _____ a judgment or Order was entered regarding parenting time.
Date

b. There is no current order for parenting time.

D 2. I agree do not agree that the Motion properly named the minor children in this case. (If you do not agree, list the children you believe are involved in this case).

E 3. I agree do not agree that it is in the best interest of the child(ren) to establish or modify parenting time. (Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet if necessary.)

See separate sheet attached.

F 4. I ask the court to order parenting time as follows: (Use a separate sheet to explain in detail what you want the court to order, and attach to this Answer) **See separate sheet attached.**

I declare that the above statements are true to the best of my information, knowledge, and belief.

G _____
Date

Responding Party's Signature

STATE OF MICHIGAN 37TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

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4. Continued from page 1

STATE OF MICHIGAN
37TH JUDICIAL CIRCUIT
CALHOUN COUNTY

**ANSWER TO MOTION TO MODIFY
PARENTING TIME AND CHILD
SUPPORT**

CASE NO.

A

Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014

Court Telephone: (269) 969-6500

B Plaintiff's name, address and telephone no. moving party **v** Defendant's name, address, and telephone no. moving party

Intervening Party's name, address and telephone no. moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

CERTIFICATE OF MAILING

- I certify that on this date I personally served a copy of this Answer on the other party.
- I certify that on this date I mailed a copy of this Answer on the other party by ordinary mail to the above address.

I declare that the above statements are true to the best of my information, knowledge, and belief.

G _____
Date

Responding Party's Signature

ANSWER TO MOTION CHECKLIST

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

DID YOU . . .

1. Fill out and complete all necessary information on the Answer form? YES
2. Make all necessary copies? YES
3. File the Answer with the Clerk of the Court? YES
4. Serve a copy of the Answer on the other party and on any other custodian/guardian? YES
5. File a proof of service/Certificate of Mailing with the Clerk of the Court? YES
6. Keep one copy of the Answer for yourself? YES

If you cannot answer "yes" to all of the above steps, your Answer may not be considered by the Court.

Note: Under the Michigan Child Support Formula, a change in parenting time may impact the amount of child support that is ordered. The Court is required to use the Michigan Child Support Formula, unless the court finds that using the Formula would be unjust or inappropriate. The court will need to know the amount and sources of income for each of the parents, as well as the parenting time that will be exercised.