

36th JUDICIAL CIRCUIT COURT
Parenting Time Policy
Effective February 1, 2014

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COURT'S PHILOSOPHY

If you and the child's other parent are successfully co-parenting your child right now, you may feel that parts of this policy are "preaching to the choir." We applaud parents who have set aside their personal feelings and needs and are acting in a manner that places their child's feelings and needs first. Parents who are able to achieve this goal may reference these guidelines as needed.

For parents who have disagreements over parenting time issues, we hope these guidelines will assist you in being able to co-parent your child in an effective manner that allows you to act without the need for Court intervention. The Friend of the Court offers the following services to assist parents with custody and parenting time issues:

- 1. Consent orders:** If both parents agree that they want a change in their Court order the Friend of the Court will assist them in developing an order which sets forth their agreement. An \$80.00 order entry fee is assessed on orders that modify custody and/or parenting time.
- 2. Mediation:** If parents recognize that they need assistance in resolving a custody and/or parenting time dispute, the Friend of the Court offers mediation services. If both parents agree, a referral will be made to a mediator who is trained to assist parents in resolving custody and/or parenting time disputes. Mediation is a way to resolve your conflicts without expensive and costly litigation. If mediation results in an agreement, there is an \$80.00 order entry fee required to enter your agreement as a court order.
- 3. Self-help forms:** If you want to request a change in the Court order and mediation is not an option for you, the Friend of the Court will provide you with self-help forms that can be used to file a motion with the Court. These forms are available in the Friend of the Court office for \$1.00 or on the Friend of the Court website at no charge. If you use these forms, you are in effect representing yourself, without an attorney, in your legal action.
- 4. Family counseling:** Some limited funds are available to provide counseling services to Friend of the Court customers. Counseling may be appropriate for parents as well as children. Ask your case manager for more information.
- 5. Children in the Middle:** In cooperation with Western Michigan University, the Court offers a parent education class for all domestic relations cases. This program will educate parents about the effects divorce and other domestic relations cases may have on a child, and what parents can do to assist their child in coping with such stresses.
- 6. Parenting time calendars:** The Friend of the Court office suggests that parents meet at least once a year to review their parenting time schedule for the upcoming calendar year. The Friend of the Court Office will assist parents in developing a parenting time calendar, if necessary, to assist the parents in determining the child's parenting time with each parent, on an annual basis.

Both parents should facilitate and encourage the relationship that the child has with the other parent.

Parenting time is granted in accordance with the best interests of the child. The child should develop strong bonds with both parents and both parents should be involved in the child's life. If parents agree on parenting terms, the Court will follow those terms unless it determines, on the record, that the parenting terms are not in the best interests of the child. The Court shall grant parenting time in a frequency, duration, and type reasonably calculated to promote a strong relationship between the child and the parents. For more information on the child's right to parenting time, you may want to review MCL 722.27a.

The Court MAY consider the following factors when ordering parenting time:

1. Special circumstances of a child (i.e. whether an infant is a nursing baby),
2. The likelihood of abuse to a child during parenting time and/or to a parent resulting from the exercise of parenting time,

3. The burdensome impact on the child if traveling long distances,
4. Whether parenting time will be exercised in accordance with the Court's order,
5. Whether a parent has frequently failed to exercise parenting time,
6. The threatened or actual detention of a child with the intent to retain or conceal the child from the other parent, and
7. Any other relevant factors.

The Child Custody Act permits the Court to impose any reasonable terms or conditions designed to facilitate the orderly and meaningful exercise of parenting time by a parent with a child. Court orders may include:

1. Division of responsibility and/or cost of transporting a child,
2. Restrictions of /or requirements for the presence of third persons,
3. Requirement that the child be ready at a specific time,
4. Requirement that a parent pick-up and return the child at specific times,
5. Requirement that a party post a bond,
6. Requirement of reasonable notice when scheduled contact will not occur, and
7. Any other reasonable condition determined to be appropriate in the particular case.

NOTE: THE FRIEND OF THE COURT CANNOT ENFORCE AGREEMENTS BETWEEN THE PARTIES THAT ARE NOT SET FORTH IN A WRITTEN COURT ORDER.

Support and parenting time are two separate issues. One parent **CANNOT WITHHOLD PARENTING TIME** due to non-payment of support. Likewise, the payer of support **CANNOT WITHHOLD PAYMENT OF SUPPORT** due to denial of parenting time.

ORDERS WHICH PROVIDE FOR REASONABLE PARENTING TIME: If your court order states that a parent has reasonable parenting time as agreed to between the parents, the parents must mutually agree to a schedule. If the parents cannot mutually agree upon a schedule, one of the parents will have to file a motion with the Court to have the schedule determined through a Court order.

If your Court order states that a parent has reasonable parenting time and is silent as to the schedule, parenting time shall be as mutually agreed to between the parents, and if the parents cannot agree, the Court's parenting time policy shall be applicable.

From time to time the Court reviews and modifies its Parenting Time Policy. The policy that was in effect at the time your order was entered will be the policy that is applied to your case until further order of the Court.

I. REASONABLE PARENTING TIME is defined as follows: In order for a child to adjust successfully to two homes, it is essential that the child continue to have a stable and nurturing relationship with both parents. The 36th Judicial Circuit Court and the Office of the Friend of the Court strongly encourage parents to agree to a schedule which will ensure that the best interests of the child are met. In circumstances where the parents have failed to reach such an agreement, and the Court has determined that reasonable parenting time is in the best interests of the child, the following policy shall be observed by the parents.

The applicable policy shall be determined by the age of the eldest child of the parties. The policy contained below applies where parents live within 100 miles of each other.

A. PARENTING SCHEDULE FOR A CHILD UNDER THE AGE OF THREE YEARS

Where the eldest child of the parties is under the age of three, the non-custodial parent shall have the child as follows:

1. Alternating weekends from Saturday at 9:00 a.m. to Sunday at 6:00 p.m. If a child is solely breast-fed, parenting time for that child shall be for three hours on Saturdays or Sundays every weekend. If the parties cannot agree on the time, it shall be on Sundays from 3:00 p.m. to 6:00 p.m.
2. During the week, one evening for a minimum of two hours. If the parents cannot agree upon a specific day, the evening shall be Wednesday. The parenting time shall not extend past 8:00 p.m., absent an agreement between the parties. If the parents cannot agree on the time, it shall be from 6:00 p.m. to 8:00 p.m.
3. During a calendar year, the non-custodial parent shall have three nonconsecutive one - week periods of parenting time. Parenting time shall be from Sunday at 5:00 p.m. to 5:00 p.m. the following Sunday. During these weeks, the custodial parent will have two evening parenting times each week, for a minimum of two hours each evening, provided that the child is not on an out-of-town vacation. If the parents cannot agree on the specific days, the evenings shall be Tuesday and Thursday. The parenting time shall not extend past 8:00 p.m., absent an agreement between the parties. If the parents cannot agree, it shall be from 6:00 p.m. to 8:00 p.m. The non-custodial parent shall give the custodial parent 30 days advance written notice of the intent to exercise this parenting time. If the week-long parenting time includes the custodial parent's normally scheduled weekend, the custodial parent shall be entitled to a make-up weekend, the first weekend following the return of the child to the custodial parent.

B. PARENTING SCHEDULE FOR A CHILD AGED THREE, UNTIL THE COMPLETION OF KINDERGARTEN.

Where the eldest child of the parties is three years old, the non-custodial parent shall have the child as follows:

1. Alternating weekends from Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.
2. During the week one evening for a minimum of two hours. If the parents cannot agree, the evening shall be Wednesday. The parenting time shall not extend past 8:00 p.m., absent an agreement between the parties. If the parents cannot agree, it shall be from 6:00 p.m. to 8:00 p.m.
3. Extended week-long parenting times shall be as designated in A.3., above. If the child is in Kindergarten, parenting time shall be exercised when school is not in session. If parenting time is exercised when school is in session, the parent exercising parenting time is responsible for transporting the child to and from school.
4. Holiday parenting time shall be as set forth in D. below.

C. PARENTING SCHEDULE FOR A SCHOOL-AGED CHILD

Where the eldest child of the parties has completed Kindergarten, the non-custodial parent shall have parenting time with all of the minor children (except for a child who is solely breast-fed) as follows:

1. Alternating weekends, from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

2. During the week, one evening for a minimum of two hours. If the parents cannot agree, the evening shall be Wednesday. The parenting time shall not extend past 8:00 p.m., absent an agreement between the parties. If the parents cannot agree, it shall be from 6:00 p.m. to 8:00 p.m.
3. Holiday parenting time shall be as set forth in D, on the next page.
4. Holiday parenting time shall be as set forth in D. below.
5. Paragraph #3, above, shall not apply to a child who is solely breast-fed.

D. HOLIDAYS

The following holiday schedule applies to the child, regardless of age. The holiday schedule takes precedence over any other regularly scheduled parenting time and any extended summer, Christmas, and/or spring break parenting times.

The mother shall have the following holidays in odd-numbered years, and the father shall have them in even-numbered years:

- 1) Fourth of July
- 2) Thanksgiving Weekend
- 3) Christmas Day
- 4) Halloween

The father shall have the following holidays in odd-numbered years, and the mother shall have them in even-numbered years:

- 1) Memorial Day Weekend
- 2) Labor Day Weekend
- 3) Christmas Eve
- 4) Child's Birthday

The hours for holiday parenting time are as follows (except for a child who is solely breast-fed):

Memorial Day Weekend – beginning at 6:00 p.m. on Friday of the weekend and ending at 6:00 p.m. on Memorial Day.

Fourth of July - beginning at 6:00 p.m. on July 3rd and ending at 9:00 a.m. on July 5th. If July 4th falls on a Thursday and the parent with the July 4th holiday is the same parent who has the weekend beginning on July 5th, the child will stay with that parent through the holiday and the weekend. In other words, the child would not be returned on Friday morning just to be picked up again on Friday evening.

Labor Day Weekend – beginning at 6:00 p.m. Friday of the weekend and ending at 6:00 p.m. on Labor Day.

Halloween – 4:00 p.m. to 8:00 p.m.

Thanksgiving Weekend – beginning at 6:00 p.m. on the Wednesday evening which precedes Thanksgiving Day and ending at 6:00 p.m. on the Sunday following Thanksgiving Day.

Christmas Eve - 9:00 a.m. to 9:00 p.m.

Christmas Day – Begins at 9:00 p.m. on Christmas Eve and ends at 9:00 p.m. on Christmas Day.

Child's Birthday - For a minimum of three hours. All of the siblings covered by the parenting time order are included in birthday parenting time. If the parents cannot agree, the time shall be from 5:00 p.m. to 8:00 p.m.

Mother's Day Weekend -each year the child is with the mother from 6:00 p.m. on Friday of the weekend to 6:00 p.m. on Sunday, Mother's Day.

Father's Day Weekend - each year the child is with the father from 6:00 p.m. on Friday of the weekend to 6:00 p.m. on Sunday, Father's Day.

The parents may agree on additional holiday time that is not listed above. If you choose to share other holidays, it is best to include those in your parenting time order. If a holiday is not listed above, or specified in your written order, the Friend of the Court Office cannot assist you in enforcing it. Other holidays you may want to consider are Easter or other religious holidays your family may celebrate, and legal holidays upon which your children may not have school (such as President's Day).

When a holiday weekend is spent with one parent, occasionally this will result in a switching of the alternate weekend schedule for one or two weeks. This is done in order to accommodate those parents who may have an alternating weekend work schedule.

Example #1.

The regular weekend schedule for a two-month period during which there are no holidays is as follows:

- 1st weekend Mom
- 2nd weekend Dad
- 3rd weekend Mom
- 4th weekend Dad
- 5th weekend Mom
- 6th weekend Dad
- 7th weekend Mom
- 8th weekend Dad

The weekend schedule for a two-month period during which there is a holiday weekend is as follows:

- 1st weekend Mom
- 2nd weekend Dad
- 3rd weekend Dad has a holiday weekend
- 4th weekend Mom
- 5th weekend Mom
- 6th weekend Dad
- 7th weekend Mom
- 8th weekend Dad

The 3rd weekend is changed from Example #1 to allow Dad his holiday weekend. The 4th weekend is also switched so that the alternating weekend schedule stays on track. Notice how the alternating weekend schedule in Example #2 ends the same as the schedule in Example #1.

Occasionally holiday weekends may fall in a manner that gives a parent three weekends in a row. The example below illustrates how the parenting time schedule is adjusted when this occurs.

Example #2.

The regular weekend schedule for a two-month period during which there are no holidays is as follows:

- 1st weekend Mom
- 2nd weekend Dad
- 3rd weekend Mom
- 4th weekend Dad
- 5th weekend Mom
- 6th weekend Dad
- 7th weekend Mom
- 8th weekend Dad

The weekend schedule for a two-month period during which there are two holiday weekends is as follows:

- 1st weekend Mom regular weekend
- 2nd weekend Mom Memorial Day weekend (in even-numbered years)
- 3rd weekend Dad make-up for Memorial Day weekend
- 4th weekend Dad regular weekend
- 5th weekend Dad holiday weekend – Father’s Day
- 6th weekend Mom make-up for Father’s Day
- 7th weekend Mom regular weekend
- 8th weekend Dad regular weekend

This adjustment is done to accommodate parents with an alternating weekend work schedule. The alternating weekend schedule returns in the 7th and 8th weekends.

For a child who is solely breast-fed, holiday parenting time shall be limited to three hours. If the parents cannot agree, parenting time shall take place during the first three hours of the period indicated above.

E. EXTENDED PERIODS OF PARENTING TIME

Once the eldest child completes Kindergarten, the non-custodial parent shall have his or her parenting time with all of the children (except for a child who is solely breast-fed, which shall be limited to the parenting time stated in A. above). The parenting time schedule shall be as follows:

1. Summer vacation:

One half of the summer vacation is spent with each parent.

In odd-numbered years, the mother will have the first half of the summer and the father will have the second half.

In even-numbered years, the mother will have the second half of the summer and the father will have the first half of the summer.

Summer parenting time begins at 6:00 p.m. the first Friday after school recesses for the school year, and ends at 6:00 p.m. seven days before the new school year commences (For example, if the last day of school is a Wednesday, the parenting time would begin at 6:00 p.m. on the Friday immediately following Wednesday. If school recesses on a Friday, the summer parenting time begins at 6:00 p.m. that evening). During extended summer parenting time, the parent who is not exercising extended parenting time shall have regularly scheduled weekend parenting time (as set forth in C.1. above), provided that the parent has no out-of-town vacation travel plans which include the child. If out-of-town vacation plans prohibit the other parent from exercising his or her alternating weekend parenting time, make-up parenting time must be provided. Any out-of-town vacation plans

and make-up parenting time, if applicable, should be confirmed between both parents, in writing, no later than May 15th, of each year.

2. Christmas school vacation:

The Christmas school vacation is divided between the parents. In odd-numbered years, the father will have the first half of the Christmas school vacation, and the mother shall have the second half. In even-numbered years, the mother will have the first half of the Christmas school vacation, and the father shall have the second half. Christmas vacation begins at 6:00 p.m. the day school recesses for the Christmas school vacation. Christmas vacation ends at 6:00 p.m. the day before school re-commences. During the Christmas school vacation regular weekend and weekday evening parenting time is suspended. Any out-of-town vacation plans should be confirmed by both parents, in writing, no later than November 30th of each year.

3. Spring school break:

In even-numbered years the father will have the spring school break.

In odd-numbered years the mother will have the spring school break.

Spring school break begins at 6:00 p.m. the day school recesses for the school spring break and ends the day before school re-commences at 6:00 p.m. The parent that does not have extended spring break vacation shall have regularly scheduled weekend parenting time (as set forth in C. 1. above) provided that the parent has no out-of-town vacation plans which include the child. If out-of-town vacation plans prohibit the other parent from exercising his or her alternating weekend parenting time, make-up parenting time must be provided. Any out-of-town vacation plans and make-up parenting time, if applicable, should be confirmed by both parents, in writing, no later than February 15th of each year.

F. MISCELLANEOUS

1. BE ON TIME Parents should exercise the parenting schedule in a prompt manner. In cases of unforeseen circumstances a 30-minute delay in picking up/returning the child is allowed. The parent should advise the other parent that he or she is going to be late. This does not mean that a parent can habitually exercise a pick-up or return time of 6:00 p.m. at 6:30 p.m. This 30-minute exception is an **EXCEPTION TO BE USED ONLY WHEN ABSOLUTELY NECESSARY**. When either of the parents becomes aware of a delay he or she shall notify the other parent as soon as possible, when practicable. Remember, while it is an inconvenience for the parent to be kept waiting, the real harm is done to the child. Nothing disappoints a child more than to be kept waiting to be picked up, or even worse, never to be picked up at all.

2. EXTRACURRICULAR ACTIVITIES Extracurricular activities for a child are generally positive and to be encouraged. At the same time, extracurricular activities should not interfere unreasonably with the exercise of parenting time. In some situations extracurricular activities may be incorporated into parenting time through the non-custodial parent attending an event, e.g. soccer game, music recital. In other instances it may be necessary for extracurricular activities to be rescheduled or even curtailed to allow parenting time of an appropriate duration and quality to take place. Both parents should take into account the age and individual needs of each child in thinking about the issue of extracurricular activities and parenting time. **PARENTING TIME IS FOR THE CHILD; IT IS A CHILD'S RIGHT TO HAVE A MEANINGFUL RELATIONSHIP WITH BOTH PARENTS.**

3. SUPPORT ABATEMENT Support abatement during extended parenting time shall be calculated from the beginning of the parenting time to the end of the parenting time. Weekend and or weekday evening parenting time shall not interrupt the calculation of the support abatement. Generally, requests for parenting time abatements must be submitted to the Friend of the Court, in writing, within 14 days of the date the children are returned to the other parent. Review your court order for the requirements in your case. **Please be advised that a support abatement is not applicable in all cases.**

4. TRANSPORTATION Unless provided for otherwise, the parents shall share transportation for parenting time. The parent exercising parenting time shall pick up the child at the beginning of parenting time. The other parent shall pick up the child at the end of the parenting time.

5. CLOTHING, PERSONAL ITEMS, AND PRESCRIPTION MEDICATION Clothes, prescription medication, and other personal items, which are sent with the child for parenting time, should be returned with the child. The custodial parent should provide adequate clothing, diapers, formula, personal items, and prescription medication for the parenting time period. The parent exercising parenting time should return all unused items at the end of parenting time and should return clothing in good condition.

6. TELEPHONE CONTACT The child should be allowed reasonable access to a parent via telephone calls, when the child is in the care of the other parent. Telephone calls should not become invasive to the point that they interfere with the child's regular activities, i.e. scheduled bedtime, or time being spent with the other parent on extended holidays or out-of-town vacations. Each parent must use common sense in this regard and act accordingly. A younger child may need more telephone contact, whereas a teenager may need less. The parents must keep the child's best interests in mind. Parents should not use telephone contact as a way of checking up on the other parent.

II. PARENTING REMEDY STEPS:

A. **Read the last parenting time order.** The Court speaks through its written orders. If it is not written, then it is not the order of the Court. If there is no parenting time order, then the Friend of the Court cannot assist you in enforcing parenting time. It is the parent's responsibility to take the necessary steps to obtain or change an order.

B. The complaining parent must **attempt to resolve issues directly with the other parent** either by telephone or in writing. At all times, the communication should be a sincere effort, keeping in mind what is best for your child. Treat the other parent as you would like to be treated and do your talking out of the presence of the child. "We cannot talk to each other" IS NOT AN ACCEPTABLE EXCUSE for avoiding contact with the other parent.

C. **An attempt must be made to pick up the child regardless of threats to deny the parenting time.**

D. If denied parenting time, a **WRITTEN COMPLAINT** must be filed with the Friend of the Court.

1. **The Complaint must be submitted in writing** (forms are available at the FOC office or you may submit a complaint on an 8½x 11 size piece of paper) within fifty-six (56) days of the alleged violation.

2. **The Complaint must include:**

Your case number,
Name, address, and telephone number of the Plaintiff and Defendant,
Child's name and date of birth,
Date(s) and time(s) of alleged violation(s),
Specific problem being addressed,
Whether or not you attempted to pick up the child,
Whether or not you are requesting make-up parenting time, and
If so, proposed make-up dates.

The complaint **MUST** have **YOUR signature** and the date submitted, and be filed within 56 days of the violation or the Friend of the Court may not respond. The Friend of the Court will respond only to a named party to the case.

E. All parenting time complaints are considered non-emergency.

F. Please do not call the Friend of the Court regarding possible future parenting disputes. Your caseworker cannot predict the future or act on what MAY OCCUR. The Friend of the Court MUST FOLLOW the most recent order of the Court.

G. The Friend of the Court will send this information to the alleged violator and request that he/she make a written response to the parenting time complaint. After the response is received, the Friend of the Court may (1) make a determination that no violation occurred, (2) award make-up parenting time according to this policy, (3) file a motion for an order to show cause for contempt, (4) file a motion to modify the parenting time order, or (5) refer the dispute to mediation services (both parents must agree).

H. Attendance at Children in the Middle: Children in the Middle is an educational program which familiarizes parents with the impact of separation/divorce on a child and offers information to parents on how to make the process easier for the child. Both parents are required to attend. If a parent has not attended the class as required, the Friend of the Court may not process any parenting time complaints until the class has been completed. For more information about the Children in the Middle program, please contact the Friend of the Court office.

NOTICE: The Court has a wide range of powers to enforce its orders including: restrictions or modifications of parenting time, fines and costs, jail, make-up parenting time, loss of an occupational and driver's license, and in extreme cases, changes in custody. In addition, all court orders regarding children are subject to review and modification as the circumstances of the child and/or the parents change.

The Child Custody Act imposes an obligation on the court to review even agreed-upon arrangements to confirm that they are in the best interests of the child. The Court may reject or modify an agreed-upon arrangement if it determines that said arrangement is not in the child's best interests. This authority is one more recognition that the best interests of the child are paramount.

III. PROBLEMS TO AVOID:

A. Avoid expensive events, places or gifts. **A child wants your time.**

B. Parenting time is for the **benefit of the child-parent relationship**. Time spent with babysitters, extended family, etc. when the parent is not present should be minimized.

C. **If you do not have a driver's license**, a relative or friend must do the driving when the child is being transported.

D. **If you are the custodial parent**, you must supply **adequate clothing** for parenting time and inform the other parent of necessary medication and possible illness. You MUST also have the child ready at the scheduled parenting time. BOTH PARENTS are expected to send and return clothing in the same condition received.

E. **Car seats are required by law**. An approved infant seat, booster seat, or child car seat must be used at all times, by law. The custodial parent should provide an infant or child car seat if the person transporting the child does not have one available. A child under the age of 12 should be transported in the back seat of any vehicle equipped with front-seat airbags. Michigan law was amended in 1991 to require all back-seat passengers age 16 and under to wear seatbelts.

F. **Parents** should **always speak positively** to a child about the other parent, or say nothing at all. Speaking negatively about the other parent accomplishes nothing and will do more harm than good.

G. **Take responsibility for the inconvenience and difficulty** of parenting time rather than putting your child at risk or making the child suffer. Imagine how you would feel about leaving the child in one home, as you and

your ex-partner move in and out according to the parenting time schedule. Understand that this constant change may be even more difficult for the child to manage.

H. **Keep to a regular schedule as much as possible.** This helps your child anticipate and prepare for transitions and to develop a sense of trust in relationships. Irregular contacts can lead to a sense of helplessness and distrust in the child.

I. **Try to maintain continuity in care-taking patterns** so that the child is able to focus on play and exploration, rather than being distracted or disturbed by major changes in routine. It is important for the child to build on care-giving routines rather than compete or conflict with them.

The FOC recognizes that each parent has his or her own individual parenting style. Avoid passing judgment upon the other parent for what he or she does with his or her time. The child will grow into adulthood and will become aware of the relationship between the child and each of his or her parents, with or without the influence of the other parent. Trying to influence your child either way could potentially have a negative impact on your own relationship with the child.

IV. The following excuses ARE NOT VALID reasons for denying parenting time:

- A. The child had to go somewhere else.
- B. The child is not home. You are responsible to see that the child is available for parenting time.
- C. The parent paying support is behind in his/her obligation.
- D. The child wants to stay home (REGARDLESS OF AGE). **You are the parent and the Court DOES NOT BELIEVE that the child should be making such decisions.**
- E. The parent does not want the child to go.
- F. The child does not have clothes to wear.
- G. The child fusses when the other parent picks up the child. Understand that your child will have some stresses and growth pain regardless of whether parents are together or not, and may have some difficulty when going between parents. **Take care not to jump to conclusions.** This does not necessarily indicate problems with the other parent.

The following excuses MAY NOT BE VALID reasons for denying parenting time:

- A. The child is sick.
- B. The weather was bad.

If parenting time is denied for either of these two reasons, the parent who denied parenting time bears the burden of proving that the denial was reasonable.

V. OTHER ISSUES:

A. **SPARE THE CHILD** – Parenting does not have to be traumatic for the child. The parents are expected to pick up and drop off the child in a timely manner. It is not necessary to inspect the home. Likewise, the other parent does not have to provide a detailed account of the where, what and how the parenting time will be exercised. See E. below regarding out-of-town vacation plans.

Parenting time is for the parent and child. Parenting time exchanges are not the time to discuss adult issues, i.e., alimony, child support, and property. Those discussions should be on your time, not the child's. Many disputes begin because one parent arrives with or invites in a new girlfriend or boyfriend. Your children need your full

attention. They have a rough enough time adjusting to their parent's separate lives without learning a new cast of players. Unless you are seriously contemplating a commitment, leave your new acquaintances at home. Dating can be reserved for a time when the children are not around.

KEEP THE KIDS OUT OF THE MIDDLE – Parents should **NEVER use the child** as a source of information on the activities of the other parent. A child quickly learns to supply information he or she thinks you want to hear, and the child will tailor his or her remarks accordingly. Such information only creates problems, and parents will discover that a child who is forced to be in the middle may become skillful in playing one parent against the other. Beware, you may get what you ask for. **Be careful not to see the child as an object or possession to be won or divided.**

B. **CUSTODY/PARENTING TIME CHANGES – DO NOT DISCUSS WITH OR PROMISE** the child that you will obtain custody of him or her until after the hearing and an order of custody has been **SIGNED BY THE JUDGE.**

C. **MAINTAIN TEAMWORK AND COMMUNICATION** – How you interact with the other parent will affect your child. One of the better things you can do is to encourage your child's ability to have a secure relationship with the other parent. Coordination between parents will help the child establish a secure, self-concept. Lack of coordination makes a child feel split between parents.

D. **OUT-OF-STATE VACATIONS** - Unless your court order prohibits it, either parent may take the minor child out-of-state for a vacation. **An order of domicile refers only to the residence of a child** being changed and does not apply to vacations **unless** the court order specifically addresses it. Parents must notify the other parent of a telephone number and provide a general itinerary of where the minor child may be reached in case an emergency arises during out-of-state vacations/parenting time.

E. **GRANDPARENT "VISITATION"** – Grandparents who want to obtain a court order for visitation should consult an attorney of their choosing. The Friend of the Court does not have self-help forms for grandparents who are trying to establish a visitation order. The hearing to establish a grandparent visitation order is heard by the Judge. The FOC will initiate enforcement of written orders for grandparent visitation, once they are entered by the Court.

F. **NEGLECT & ABUSE CASES** - The Friend of the Court does not have any authority to handle neglect and abuse complaints. Information should be **immediately** reported to Protective Services at the Department of Human Services (DHS) and a local law enforcement agency in the county where the child resides. Laws effective 01/01/97 provide for criminal charges, sanctions, and penalties for any intentional false statements made regarding child abuse and/or neglect.

G. **SCHOOL/HEALTH CARE PROVIDER INFORMATION** - Legislation effective 01/01/97 provides that schools, hospitals, physicians, etc. **MUST provide information** regarding the minor child **to either parent regardless of which parent has legal custody, unless there is a court order which prohibits a parent from having access to such records.**

H. **CALLING THE POLICE** – The **ONLY TIME** that police should be called is if the child or the parties are in immediate danger. **Calling the police for parenting time disputes is very traumatic for the child. Most law enforcement agencies do not become involved in settling custody and/or parenting time disputes and will only refer the parents to the Friend of the Court.**

I. **PERSONAL PROTECTION ORDERS** – **Personal protection orders should not be used to deny custody or parenting time.** It is your responsibility to inform the Court of a custody/parenting time court order when presenting your motion before the Judge. If you have a Personal Protection Order, it is your responsibility to provide a copy of the Personal Protection Order to the Friend of the Court.

J. **STEP-PARENTS** – When a parent remarries, the new spouse will be involved in the child's life. Since the step--parent will be at least in part a caregiver to the child, every effort should be made to **promote a good**

relationship between the step-parent and the child. Likewise, the step-parent should **promote communication between the natural parents.**

K. **LICE INFESTATION** -The FOC does not investigate a home based on an accusation of head or body lice. As soon as a problem is detected, either parent should take the child to a health authority immediately for treatment information. **The parents must cooperate fully on this matter because THIS IS IN THE BEST INTERESTS OF THE CHILD.**

VI. MAKE-UP PARENTING TIME:

Pursuant to MCL 552.642, the following procedures will be followed by the Friend of the Court when a determination has been made that make-up parenting time should be granted:

According to the MCL 552.642, the complaining parent shall give to the office written notice of an alleged wrongfully denied parenting time within 56 days of alleged denial.

(1) When the Friend of the Court receives a written complaint alleging parenting time denial within 56 days of its occurrence, a Friend of the Court employee will determine whether the allegation shows a wrongful denial of a Court ordered parenting time provision.

(2) If so, the Friend of the Court shall by first-class mail inform the alleged violator of the nature of the alleged violation, and the availability of domestic relations mediation. The notice shall contain the following statement:

“FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT PROCEEDINGS BEING BROUGHT AGAINST YOU.”

(3) The Friend of the Court shall review any written responses it receives. The Friend of the Court shall determine whether parenting time was wrongfully denied. If the Friend of the Court makes a determination that parenting time was wrongfully denied, the Friend of the Court shall issue a determination for make-up parenting time. The determination shall contain the following notice:

“FAILURE TO RESPOND IN 21 DAYS TO THE OFFICE OF THE FRIEND OF THE COURT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THE OFFICE WILL ADJUST THE ACCOUNT OF PARENTING TIME ARREARS ACCORDINGLY.”

(4) If a written response is received by the Friend of the Court within 21 days, the matter should be scheduled for a hearing before the domestic relations referee.

(5) Make-up parenting time shall be in accordance with the following:

(a) make-up parenting shall be the same type and duration of parenting time as the parenting time that was denied, including but not limited to weekend parenting time for weekend parenting time, holiday parenting time for holiday parenting time, weekday parenting time for weekday parenting time, and summer parenting time for summer parenting time;

(b) make-up parenting time shall take place within one year after the wrongfully denied parenting time was to have occurred;

(c) the date and time of the make-up parenting time shall be chosen by the parent denied parenting time; and

(d) The Friend of the Court shall keep an account of parenting time arrears determined in the manner described above.

THE FRIEND OF THE COURT HAS THE AUTHORITY TO INTERPRET THIS POLICY AND MAKE DETERMINATIONS FOR PURPOSES OF THE ENFORCEMENT OF THIS POLICY.

THE UNDERSIGNED HAVE APPROVED AND ADOPTED THIS PARENTING TIME POLICY IN ITS ENTIRETY FOR THE FAMILY DIVISION OF THE 36TH CIRCUIT COURT- FRIEND OF THE COURT OFFICE.

Date: _____

Frank D. Willis, Chief Judge

Date: _____

Kathleen M. Brickley, Circuit Court Judge

Date: _____

Jeffrey J. Dufon, Circuit Court Judge