

## **FRIEND OF THE COURT PARENTING TIME GUIDELINES**

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It is the philosophy of the Court that both parents should be involved in a child's life. Thus, both parents should facilitate and encourage the relationship that the child has with the other parent. This is what is in the best interest of the child.

### PROCEDURE

**ALL PARENTING TIME COMPLAINTS ARE CONSIDERED NON-EMERGENCY AND MUST BE SUBMITTED IN WRITING.** If you feel that your situation needs immediate attention, you must make an appointment at the Friend of the Court office and fill out the necessary forms or you may send the complaint in the mail so that the Friend of the Court, the Court, and the other parent knows exactly what the complaint is. The Friend of the Court cannot change the Court order or recommend a finding of violation of a Court order without hearing both sides, and the Court decides the issue of violation of the Court order only after duly noticed for hearing. Please do not call the Friend of the Court office regarding parenting matters. At all times, the Friend of the Court **MUST FOLLOW** the current Order of the Court.

### PARENTING TIME REMEDY STEPS

Before you begin: An order of parenting time must be entered and each step **MUST** be attempted and written evidence thereof provided to the Friend of the Court before moving on to the next remedy.

Step 1. The complaining parent attempts to resolve the issues directly with the other parent either by telephone or in writing. **AT ALL TIMES, THE COMMUNICATION SHOULD BE A SINCERE COOPERATIVE EFFORT KEEPING IN MIND THE BEST INTEREST OF THE CHILD(REN).** Treat the other parent as you would like to be treated. A complete written description of the attempt or a copy of the correspondence must be submitted to the Friend of the Court office. "We cannot talk to each other" IS NOT an acceptable excuse for avoiding contact with the other parent.

*After completion of Step 1:*

Step 2. Complete fully and submit a parenting time complaint form which is available at the Friend of the Court office. Notice will be sent by the Friend of the Court office to the other parent, together with a response form. A determination and response will be provided by the Friend of the Court based upon the information provided by both parties.

*Upon petition by either party or recommendation of the FOC:*

Step 3. Dispute Resolution Process – Referee hearing between the parents which allows both clients 15 minutes to present their side of the problem and attempt to resolve parenting issues. If an agreement is reached, an order will be prepared. If a substantial change of circumstances is found to require a change in parenting time after a parent has filed a proper petition or if the Referee finds violation of a Court order or denial of parenting time, a recommendation for a Court order will be presented to the parties and the Court.

Step 4. Order to Show Cause Hearing – A hearing before the Court to determine if the Order has been violated. The Court will make a determination and an Order will be entered. An Order to Show Cause is set on only in the discretion of the Friend of the Court if they determine an Order to Show Cause is necessary.

Support and parenting time are two separate issues. The parent having custody cannot withhold parenting time due to non-payment of child support. Accordingly, the payer of support cannot withhold payment due to denial of parenting time.

#### REASONABLE PARENTING TIME

Unless otherwise specified in an Order, the Circuit Court defines Reasonable Parenting Time as follows:

1. Alternate weekends from Friday evening at 6:00 p.m. until Sunday evening at 6:00 p.m.
  - a. The child(ren) should have their evening meal prior to pickup or return from parenting time unless other arrangements have been made by agreement of the parties.
  - b. The visiting parent shall provide transportation if both parties live in Michigan unless otherwise ordered.
  - c. The custodial parent shall send the appropriate clothing with the child(ren) for the seasons during parenting time, and the clothing that is sent with the child(ren) for parenting time shall be returned with the child(ren).
  - d. If a child is on medication, the custodial parent shall send the appropriate dosage and instructions for the child(ren) and the medication shall be returned with the child(ren).

2. Alternate holidays from 9:00 a.m. until 6:00 p.m. Provided, however, that if the parent's holiday falls the day before or the day after his/her regular weekend parenting time, the child(ren) shall remain with that parent for the entire extended weekend. Holiday visitation shall take precedence over all other parenting time schedules. A holiday that falls on a weekend should be spent with the parent who is supposed to have the child(ren) for that holiday. However, the balance of the weekend is to be spent with the parent who would normally have the child(ren) for that weekend.

The following shall be considered holidays for visitation purposes:

- New Year's Day
- Easter Sunday
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Christmas\*\*

\*\* Christmas parenting time shall be from 8:00 p.m. Christmas Eve until 6:00 p.m. Christmas Day. The party not having Christmas Day shall have Christmas Eve from 6:00 p.m. December 23<sup>rd</sup> to 8:00 p.m. December 24<sup>th</sup>.

The Mother shall have Mother's Day each year.

The Father shall have Father's Day each year.

The parties may, by agreement, substitute recognized religious holidays.

School Breaks – One-half of the Christmas and one half of the Spring break from school, alternating first and second half each year. The parenting time shall start the day the children are released from school for the vacation. Christmas and Spring break is defined as 6:00 p.m. the day school recesses until 6:00 p.m. the day before school resumes in the district where the child(ren) reside, regardless of the age of the child(ren). If there is both a Spring break and an Easter break, the longer of the two shall be defined as the Spring break.

Summer Parenting Time – In cases where parties' order does not specify exact dates for summer or other school year parenting time, and the parties cannot agree, parenting time shall be exercised as follows:

Summer extended parenting time shall commence the first Sunday in July at 6:00 p.m. and run for four weeks (28 days) which shall end at 6:00 p.m. the fifth Sunday. The custodial parent shall have visitation on the second weekend of said period for the same days and hours as does the non-custodial parent during the balance of the year. At the completion of the summer parenting time period, the non-custodial parent shall return to the previously existing rotation of weekend parenting time.

Out of State Parenting Time - Parenting time when a parent resides out of the State of Michigan – In cases where the parties’ order does not specify exact dates for summer or other school year parenting time and the parties cannot agree, parenting time shall be exercised as follows:

Summer extended parenting time shall commence the first Sunday in July at 6:00 p.m. and run for six weeks (42 days) which shall end at 6:00 p.m. on the seventh Sunday. The out of state summer parenting time schedule shall supersede any holiday and weekend parenting time.

Every Thanksgiving break; Christmas holiday break from school; and the Spring break from school, alternating by year. Provided, that the parent not having Spring Break shall have Christmas break. The parenting time period shall be defined in the same manner as provided in paragraph number 2. above.

3. The Court may consider the following factors when determining the frequency, duration, and type of parenting time to be granted.
  - a. The existence of any special circumstances or needs of the child.
  - b. Whether the child is a nursing child less than six months of age, or less than one year of age if the child receives substantial nutrition through nursing.
  - c. The reasonable likelihood of abuse or neglect of the child during parenting time.
  - d. The reasonable likelihood of abuse of a parent resulting from the exercise of parenting time.
  - e. The inconvenience to, and burdensome impact or effect on, the child of traveling to and from the parenting time.
  - f. Whether the visiting parent can reasonably be expected to exercise parenting time in accordance with the Court order.
  - g. Whether the visiting parent has frequently failed to exercise reasonable parenting time.
  - h. The threatened or actual detention of the child with the intent to retain or conceal the child from the other parent. A custodial parent’s temporary residence with the child in a domestic violence shelter shall not be construed as evidence of the custodial parent’s intent to retain or conceal the child from the other parent.
  - i. Any other relevant factors.

## PARENTING POLICIES

1. During any parenting period, the holiday schedule continues as specified.
2. Summer school necessary for the child(ren) to pass to the next grade must be attended. The custodial parent must obtain written verification from the school regarding the necessity of summer enrollment and provide a copy to the Friend of the Court.
3. If the oldest child attends school, then child(ren) in the same family follow the schedule of the school-age child(ren).
4. The Friend of the Court may also determine when a parenting schedule begins if the order is silent.

Parenting time is granted in accordance with the best interests of the child. The child should develop a strong relationship with both parents. If the parents agree on parenting terms, the Court will follow these terms unless the Court determines, on the record, by clear and convincing evidence, that the parenting terms are not in the best interest of the child. A child has the right to “visit” with a parent unless it is shown that it would endanger the child’s physical, mental or emotional well-being.

The Court MAY consider the following factors:

1. Special circumstances of the child, i.e., whether the infant is a nursing child.
2. The likelihood of abuse to the child during parenting time and/or to a parent resulting from the exercise of parenting time.
3. The burdensome impact on the child of traveling long distances.
4. Whether a parent will “visit” in accordance with the Court Order.
5. Whether a parent has frequently failed to exercise parenting time.

## SHOW UP FOR PARENTING TIME ON TIME

If the child(ren) are expecting you to come for a scheduled parenting period, be sure to show up and be on time. Nothing disappoints a child more than to be waiting and the non-custodial parent fails to show. The custodial parent is not obligated to wait longer than 30 minutes after the regularly scheduled time. This should not be a regular practice. If you are unable to exercise parenting time as planned, please let the other parent know in advance. If you do not show up, your parenting privilege is considered forfeited.

## SPARE THE CHILDREN

Parenting does not have to be traumatic for the children.

It is not necessary to inspect the home. Likewise to the custodial parent, the other parent does not have to provide a detail on the where, what and how the non-custodial parent exercises his/her time.

Parenting time is for the parent and child. Parenting time exchanges are not the time to discuss adult issues, i.e., alimony, child support, property. This manner of communication should be on your time, not the child's. Many disputes begin because one parent arrives with or invites in a new girl/boy friend. Your children need your full attention. They have a rough enough time adjusting to the divorce and/or separation 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 KIDS OUT OF THE MIDDLE

Parents should NEVER use the children as sources of information on the activities of a former spouse. Children quickly learn that if they supply information they think you want to hear, they will tailor their remarks accordingly. Such information only creates problems and parents will discover that children who are forced to be in the middle will become skillful in playing one parent against the other. Beware, you may get what you ask for.

### OUT OF STATE VACATIONS

Unless the Court Order prohibits it, either party may make the minor child(ren) out of state for vacation.

Parents must notify the other parent of a telephone number and a general itinerary or where the minor child may be reached in case an emergency arises.

If the custodial parent's vacation plans interfere with the non-custodial parent's parenting time, the custodial parent must allow make up time for the period missed. Arrangements must be made prior to vacation.

### GRANDPARENT VISITATION

In accordance with MCLA 722.27B, a grandparent of the minor children of divorce may petition the Court for visitation privileges. The Friend of the Court does not file these petitions. It may be necessary for the Grandparents to hire an attorney to assist them in this matter. The Friend of the Court will enforce visitation orders for a grandparent.

### NEGLECT AND ABUSE CASES

Under State law, the Department of Health and Human Services and law enforcement agencies investigate abuse and neglect cases. The Friend of the Court does not have a specialist to investigate neglect and abuse cases. Information should be immediately reported to Protective

Services at the Department of Health and Human Services (DHHS) and a local law enforcement agency in the county where the child(ren) reside.

### AVOID THESE PROBLEMS

1. DON'T arrive for parenting time with expensive presents when your support is in arrears.
2. DON'T always take the children to expensive events or place; do something casual with them, too. Children want your time, not your gifts.
3. Try to spend quality time with your children on parenting periods. Too often they are left with friends or mixed in with step-families.
4. DON'T tell the children you will have custody of them some day. Petition the Court first and talk to them after an order is entered.
5. DON'T expect the custodial parent to let you have the child(ren) if you have been drinking or using drugs.
6. If you do not have a driver's license, a relative or friend must do the driving when the child(ren) are being transported.
7. 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(ren) ready at the scheduled parenting time. Car seats are required by law and safety belt laws must be followed.
8. Parents should always speak positively to children about the other parent or say nothing at all. Speaking negatively about the parent accomplishes nothing and will do more harm than good.

The following excuses by the custodial parent are **NOT** valid reasons for denying parenting time.

1. The child is sick (unless the non-custodial parent is provided with the specific nature of the illness and an opportunity to see the child. The custodial parent must have a doctor's statement indicating that the child is too ill to leave the custodial parent's home).
2. The child had to go somewhere else.
3. The child is not home.
4. The non-custodial parent is behind in his/her child support.
5. The child wants to stay home **REGARDLESS** of AGE.

6. The custodial parent does not want the child to go.
7. The weather is bad.
8. The child has no clothes to wear.