

8TH JUDICIAL CIRCUIT COURT

Ionia County & Montcalm County Friend of the Court Offices

PARENTING TIME POLICY

110 E. Washington Street
Ionia, MI 48846

TELEPHONE : 616 / 527 - 5310
FAX : 616 / 527 - 5397

629 N. State Street
Stanton, MI 48888

TELEPHONE: 989 / 831 - 7332
FAX: 989 / 831 - 7376

TABLE OF CONTENTS

Calling the Police	10
Clothing	8
Court's Philosophy.....	2
Denial of Parenting Time	
Invalid Reasons	9
Sanctions	7
Informal Mediation	2
False Accusations of Neglect and Abuse	10
Friend of the Court Services	2
Alternative Dispute Resolution Services & Co-Communication Services	10
Lice Infestation	10
Make-up Parenting Time	10
Parenting Time Affidavit	7
Parenting Policies/Guidelines	
Holiday Schedule	4
Transportation	6
Personal Protection Orders	10
Problems to Avoid	7
Reasonable Parenting Time	3
Child Under 3 Years of Age	3
Child Aged 3 through the completion of Kindergarten	3
Child's Birthday	4
Winter School Vacation	5
Spring School Break	5
Summer Parenting Time	5
Remedy Steps	6
School/Health Care Provider Information	10
Seatbelts and car seats	8
Step-Parents	10

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 that 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 can achieve this may use these guidelines very little.

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 parents to assist them with custody and parenting time issues:

1. Consent Orders / Agreement & Orders: If both parents agree that they want a change in their court order they are encouraged to file a *Stipulated Agreement Motion form* (available from the Friend of the Court receptionist). There is a required filing fee. Please follow all instructions when filing. A hearing will be scheduled and the parties will meet first with a Friend of the Court representative to review the agreement. If the parties present an approved order for entry at that time, a portion of the filing fees may be returned. If the Friend of the Court representative must review support and/or parenting time agreement and it is necessary for the representative to complete a proper order or determines this matter should proceed to hearing, no fees will be returned. All agreements requesting \$-0- support will be heard before the Friend of the Court Referee.
2. Informal Mediation: If parents recognize that they need assistance in resolving a parenting time dispute, the Friend of the Court offers informal mediation services. The parties may be referred to a mediator who is trained to assist parents in resolving parenting time disputes. Mediation is a way to resolve your conflicts without expensive and costly litigation. This service is provided to Friend of the Court customers at no charge. Due to new legislation, a recommendation and order may result from the informal mediation, absent agreement of the parties.
3. In lieu of informal mediation, the Friend of the Court mediator may determine a matter requires continuing intervention and may refer parents to outside Alternative Dispute Resolution (ADR) services. There are fees associated with ADR which are negotiated between the customers and ADR personnel. Alternatively, parents may be referred to a co-communication program. There are fees for this service which are negotiated between the customers and program personnel.

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 allows the Court to impose any reasonable terms or conditions designed to facilitate the orderly and meaningful spending of 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. Requirements that the child be ready at a specific time,
4. Requirements that a parent pick-up and return the child at specific times,
5. Requirements that a party post a bond,
6. Requirements 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 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 or REASONABLE and LIBERAL PARENTING TIME: If your court order states that a parent has reasonable (and/or liberal) 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.

OR

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.

I. REASONABLE PARENTING TIME is defined as follows:

In order for a child to successfully adjust to having two homes, it is essential that the child continue to have a stable and nurturing relationship with both parents. The 8th Judicial Circuit Court and the Office of the Friend of the Court strongly encourage parents to agree to a schedule that 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 and liberal parenting time is in the best interests of the child, the parents shall observe the following policy.

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 and where there is an established parenting relationship between the non-custodial parent and the minor child. Where there is not an established parent / child relationship parenting time may be recommended as deemed appropriate given the individual circumstances on a case by case basis.

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 breast-feeding, parenting time for that child shall be for three hours on Saturdays or Sundays every weekend; if the parties cannot agree on the time for parenting 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 on the evening, the evening shall be Wednesday. The parenting time shall not extend past 8:00 p.m., absent an agreement between the parties.
3. During a calendar year, the non-custodial parent shall have three (3) nonconsecutive one (1) week periods of parenting time. The time for this parenting time will commence on the parents scheduled weekend from Friday at 6:00 p.m. to the following Friday at 6:00 p.m. or on the custodial parents Sunday at 6:00 p.m. to 6:00 p.m. the following Sunday of your weekend. During these weeks, the custodial parent will have one evening parenting time each week, for a minimum of two hours, if the child is not on an out-of-town vacation. If the parents cannot agree on the evening, the evenings shall be Tuesday. The parenting time will not extend past 8:00 p.m., absent an agreement between the parties. The non-custodial parent will give the custodial parent at least 30 days advance written notice of the intent to exercise this parenting time.
4. Holiday parenting time shall be as in D. below.

5. Paragraph #3, above, will not apply to a child that is breast-fed and is under the age of one (1) year.

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

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

1. Alternating weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
2. During the week, one evening for a minimum of two hours. If the parents cannot agree on the evening, the evening will be Wednesday. The parenting time will not extend past 8:00 p.m., absent an agreement between the parties.
3. Extended weeklong parenting times shall be as designated in A-3, above.
4. Holiday parenting time shall be as in D. below.

C. PARENTING SCHEDULE FOR A SCHOOL-AGED CHILD (1st Grade and above)

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 breast-feeding child 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 on the evening, the evening will be Wednesday. The parenting time will not extend past 8:00 p.m., absent an agreement between the parties.
3. Holiday parenting time shall be as in D. below.

D. HOLIDAYS

The following Friend of the Court holiday schedule applies to the child, regardless of age, absent any specific orders in your order. The holiday schedule takes precedence over any other regularly scheduled parenting time and any extended summer, winter, and/or spring break parenting times. The hours for holiday parenting time are as listed (except for a breast feeding child).

	<u>Odd # calendar years</u>	<u>Even #calendar years</u>
Easter / and Spring Vacation (10 a.m. to 7 p.m.)	Mom	Dad
Memorial Day & Weekend (Friday 6 p .m. to Monday 6 p.m.)	Dad	Mom
4 th of July (9 a.m. 7/4 to noon 7/5)	Mom	Dad
Labor Day & Weekend (Friday 6 p .m. to Monday 6 p.m.)	Dad	Mom
Thanksgiving Day (9 a.m. to noon Friday following)	Mom	Dad
Christmas Eve / 1 st half of vacation (6 p.m. 12/23 to 8 p.m. 12/24)	Dad	Mom
Christmas Day/2 nd half of vacation (8 p.m. 12/24 to 8 p.m. 12/25)	Mom	Dad
Child/ren(s) Birthday (For a period of 3 hours, not to interfere with school and/or activities and to include siblings. If unable to agree, the hours are from 5:00 to 8:00 p.m.)	Dad	Mom

Mother's Day with Mother (always the second Sunday in May from 10:00 a.m. to 7:00 p.m.).

Father's Day with Father (always the third Sunday in June from 10:00 a.m. to 7:00 p.m.).

Any scheduled holiday time that falls within 24 hours of their scheduled weekend / weekday parenting time will continue through that time. (Example: Thanksgiving is your holiday *and* also your weekend following – i.e. - Friday to Sunday 6 – 6 p.m. - then you would enjoy the holiday from 9 a.m. Thanksgiving morning through 6 p.m. Sunday). In other words, the child would not be returned on Friday at noon just to be picked up again on Friday evening for your weekend.

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.*

The parties should also understand that from time to time when they have the holiday and weekend (Memorial Day / Labor Day) as listed above that this may result in a parent having several weekends in a row if parents alternate weekend as this will maintain the parents on their alternating weekend schedule.

Holiday Times – Breast Feeding Child - For a breast-feeding child under the age of one year, the time of holiday parenting time will be limited to three hours. If the parents cannot agree on the time for the parenting time, it shall be for 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 the following parenting time with all children (except a breast-feeding child, which shall be limited to the parenting time stated in A. above). Vacations with the minor children may take place within or outside the State of Michigan unless the Order states otherwise. It is recommended that when vacationing with the minor children that as a matter of courtesy the other parent be provided with information as to where the minor children will be and a telephone contact number where a parent/child can be reached in case of emergencies.

1. Summer vacation:

2. Four non-consecutive weeks during the summer months – One week of parenting time equals seven (7) days. Your weekend (2 days) adjoined to the five (5) weekdays, i.e., Friday at 6 p.m. to Friday at 6 p.m. or Sunday at 6 p.m. to Sunday at 6 p.m. It is recommended the specific dates for summer parenting time be placed in writing to the other parent by April 15 each year to avoid conflict and provide the Friend of the Court office with a copy for reference.

The period for Summer parenting is defined as the time between the first Friday at 6:00 p.m. after school recesses for the school year and ends at 6:00 p.m. seven days before the new school years commences. For example, if the last day of school is a Wednesday, that Friday at 6:00 p.m. immediately following the Wednesday would be the beginning of the summer vacation period. If school recesses on a Friday, the period for summer parenting time begins at 6:00 p.m. that evening. Your parenting time would be taken as described in the first paragraph in number two.

3. Winter (Christmas) School Vacation:

Unless your order states otherwise, the winter school vacation is divided between the parents. In odd numbered calendar years, the father will have the first half of the Winter school vacation, and the mother shall have the second half. In even numbered calendar years, the mother will have the first half of the Winter school vacation, and the father shall have the second half.

Winter vacation begins at 6:00 p.m. the day school recesses for the Winter School vacation and ends at 6:00 p.m. the day before school commences. During the Winter school vacation regular weekend and weekday evening parenting time is suspended. This is calculated by taking the total number of days commencing the evening that school recesses until 6:00 p.m. the day before school commences, subtract the holidays (12/24, 12/25) and divide the remaining days equally, with commencement of the other parents vacation time at 6:00 p.m. on the mid point day. The parties should also understand that from time to time when they exercise the winter vacation as above that this may result in a parent(s) having several weekends in a row. This will maintain the parents on their alternating weekend schedules.

4. Spring school break:

The mother and father will have the spring school break in the years where they also enjoy the Easter holiday.

Spring school break commences at 6:00 p.m. on the scheduled Friday or Sunday evening of your weekend to the Friday or Sunday evening following. In any case, it will always end the day before school commences at 6:00 p.m.

F. MISCELLANEOUS

- 1 The parents shall 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 they are 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 parent becomes aware of a delay, they 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 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. Please consider that your children should not be punished due to their separated family situation. Your children deserve the same opportunities to participate in extracurricular activities as children from two parent households.
- 3 PARENT'S SCHEDULING CONFLICT: Each parent shall carefully avoid the scheduling or arranging of activities for the child(ren) which are likely to conflict with time allocated to the other parent. The parent who has the children for that period of time shall be responsible for insuring the children attend ongoing activities, such as athletics or extracurricular events in which the child(ren) participate(s).
- 4 Unless provided for otherwise, the non-custodial parent will provide transportation. In instances where the custodial parent moves more than fifty (50) miles one way after an order has been established, the transportation will be shared with the parent exercising parenting time picking the child up at the beginning of parenting time and the other parent transporting at the end of the parenting time. If the non-custodial parent moves more than fifty (50) miles one way, they will still be responsible for providing transportation.
- 5 The child should be allowed reasonable access to a parent via telephone calls, e-mail and other forms of communication when the child is in the care of the other parent. Telephone calls should not become invasive to the point 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. Taking this into consideration this should be no more than one to two times weekly. 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.
- 6 School – It is the responsibility of each parent to contact the school to receive report cards, activity schedules and any other information. It is strongly suggested the parents attend parent / teacher conferences together so they may receive the same information. It also provides a strong appearance to the children that the parents are still unified when it comes to their children's best interests.

II. PARENTING REMEDY STEPS:

- A. Read the last parenting time (visitation) order. The court speaks through its written signed 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 the 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 **PARENTING TIME AFFIDAVIT** must be filed with the Friend of the Court.
1. **The Complaint must be submitted in writing** (forms are available at the FOC office) **within (56) days of the alleged violation**. It is suggested that complaints be filed on the parenting time affidavit as soon as possible after the alleged violation so that it is easier to resolve such issues in the best interests of your child.
 2. **The Parenting Time Affidavit must** include:
 - a. Your case number,
 - b. Name, address, and telephone number of the Plaintiff and Defendant,
 - c. Child's name and date of birth,
 - d. Date(s) and time(s) of alleged violation(s),
 - e. Specific problem being addressed,
 - f. Whether or not you attempted to pick up the child,
 - g. Whether or not you are requesting make-up parenting time, and
 - h. If so, proposed make-up dates.
 - i. Your signature
 - j. Date submitted

The complaint **must have all of the above information** and submitted to the Friend of the Court, or the Friend of the Court may not respond. The Friend of the Court will only respond to a named party to the case.

- E. All parenting time complaints / parenting time affidavit's are considered non-emergency. If this is an emergency, you may wish to obtain the advice of an attorney as to how best to proceed.
- F. Please do not call the Friend of the Court regarding possible future parenting disputes. The mediator 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 review the parenting time affidavit and determine the best course of action. Most generally a copy of the parenting time affidavit will be sent to the other parent and request that he/she make a written response to the parenting time affidavit. 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) address the parenting time affidavit via letter or other remedy (4) per Court rule effective 1/1/03 the Ionia County Friend of the Court mediator can upon review of the case, determines that this matter falls within the jurisdiction of Section 19 of the Friend of the Court Act (MCL 522.519) can make recommendations that become the Order of the Court subject to the parties right to written objection (5) file a petition and order to show cause for contempt or modification of the parenting time order under certain circumstances, or (6) refer the dispute to outside mediation or counseling services as deemed appropriate.

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 change as the circumstances of the child and/or the parents change. If the Court determines a parenting time affidavit / complaint was made in bad faith that party may be assessed sanctions; first offense up to \$250.00 court fines; second offense up to \$500.00 court fees and fines; third offense up to \$1000.00 court fees / fines and/or jail time.

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 it 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** and it is your responsibility to provide transportation, you must have a responsible licensed relative or friend 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 make the child ready at the scheduled parenting time. BOTH PARENTS are expected to send and return clothing in the same condition received. Clothing and personal items belong to the children. If there is an issue with clothing, then each parent will be responsible to have these in their home for the minor children.
- E. **Children's Medications / Treatment:** If their treating physician has prescribed children medication, it is expected that both parents will abide by the Doctor's advice and administer medications/treatments as prescribed. If a parent has a problem with the treatment/medication then the parents should make a joint appointment with the treating physician to discuss all available options. Ultimately, if the parents are unable to agree they are to do what is in the children's best interests and abide by the treating physicians' recommendations. A parent does have the option of to file a motion regarding a specific concern by researching this on his or her own or obtaining the assistance of an attorney. ***Reminder: if the parties share legal custody these decisions are to be discussed and agreed upon before any non-life threatening prescriptions/treatment is undertaken. Failure to do so could result in the Court review of the custody/parenting time arrangements.
- F. If you are the custodial parent, you must inform the other parent of any medication or illnesses of the child. If the child is ill during parenting time then you must inform the other parent of the circumstances as well.
- G. **Law requires safety belts and car seats.** Michigan law was amended in 2008 to require all passengers aged 0-3, and those 4-8 years of age and less than 4 feet 9 inches in height, to be secured in a child restraint system. Children aged 4-16 who are not less than 4 feet 9 inches in height shall use a seatbelt. According to vehicle and car seat manufacturers a child under the age of 12 should be transported in the back seat of any vehicle equipped with front-seat airbags. Each parent should have an appropriate and properly installed car seat when the children are transported in their vehicles.
- H. **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. Understand that by speaking negatively about the other party could damage your long-term relationship with your children. They are a part of each parent and degrading a parent is taken personally by the child and internalized.
- I. **Attempt to understand your children's feelings of going back and forth between homes** and the parents need to take responsibility for the for the inconvenience and difficulty this puts on your children. Imagine how you would feel about leaving the child in one home and you and your ex-partner moving in and out according to the parenting time schedule. Understand that this constant change may be even more difficult for the child to manage.
- J. **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.
- K. **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.
- L. **If a parent has not had contact or contact has been inconsistent for at least three months**, the absent parent must attend individual counseling wherein the therapist will focus on the parents ability to prioritize the emotional needs of their children and submit a report/summary to the Court as to whether the parent is likely to disappoint the children again. Additionally, the absent parent must also take parenting classes and provide verification to the Ionia County Friend of the Court of successful completion.
 - If these steps are completed, a gradual reintroduction of parenting time will take place and may include supervised parenting time or as deemed recommended by the therapist.
 - The Court recognizes there are reasons that a parent may miss parenting time on a long-term basis with appropriate reasons (i.e. military service, etc.) and this will be taken into consideration.

The FOC recognizes that each parent has his or her own individual parenting style. Avoid passing judgment upon the other parent for what they do with their time. The child will grow into adulthood and will recognize the relationship between the child and its parents for what it has developed into.

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

- 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 the child up. Understand that your child will have some stresses and growing 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 additional **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. The Ionia County Friend of the Court encourages parents to communicate regarding the above and make alternative arrangements if possible.

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, to the other parent, the other parent does not have to provide a detail on 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. 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 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.

- B. **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 they think you want to hear, and they will tailor their 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.**
- C. **CUSTODY/PARENTING TIME CHANGES** – **DO NOT DISCUSS WITH OR PROMISE** the child that you will obtain custody of them, unless and until a hearing and an order of custody has been **SIGNED BY THE JUDGE**. You should know that the law permits changes in custody only in the most compelling of circumstances. A party seeking a change in custody must show proper cause or a change in circumstances before a hearing on a change of custody can even occur.
- D. **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 on the inside. Lack of coordination makes a child feel split between parents. **Concentrate on filtering your best qualities through your child.**

- E. **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.
- 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) in the county where the child resides, and/or a police agency where the alleged abuse or neglect occurred. 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 that 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 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.**
- M. **HAIR CUTS** – The custodial parent will provide hair cuts for the minor children. The non-custodial parent may provide hair cuts for the minor children upon the approval of the custodial parent.

VI. MAKE-UP PARENTING TIME:

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

According to the MCL 552.642, the complaining parent shall give to the office written notice of an alleged, wrongfully denied parenting time within 7 days of alleged denial.

- A. When the Friend of the Court receives a written parenting time affidavit alleging a denial in a timely manner 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.
- B. If so, the Friend of the Court shall by ordinary mail inform the alleged violator of the nature of the alleged violation. The notice shall contain the following statement:

FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE WITHIN 21 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT PROCEEDINGS BEING BROUGHT AGAINST YOU.

- C. The Friend of the Court will review any written responses it receives. The Friend of the Court may determine whether parenting time was wrongfully denied.

Additionally, the Friend of the Court may :

- schedule the parties for an informal mediation in an attempt to resolve the issue, or
- Schedule this for Court before the Circuit Court Referee if warranted.

If the Friend of the Court makes a determination that parenting time was wrongfully denied, the determination shall contain the following notice:

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

- D. 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 for denied weekends or weekdays, make-up parenting time for all parenting times shall be taken within one year after the wrongfully denied parenting time occurred provided a 30 day written notice to the other party and a copy to the Friend of the Court is given by the party who will be exercising the make up parenting time.
 - (c) The date and time of the make-up parenting time shall be chosen by the parent denied parenting time in the manner described above.

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

THE UNDERSIGNED HAVE APPROVED AND ADOPTED THIS PARENTING TIME POLICY IN ITS ENTIRETY FOR THE FAMILY DIVISION OF THE 8th CIRCUIT COURT.

Date: 3/31/2009

s/ Suzanne G. Kreeger
SUZANNE G. KREEGER
CHIEF CIRCUIT COURT JUDGE

Date: 3/18/2009
Hoort

s/David A.

DAVID A. HOORT
CIRCUIT COURT JUDGE

Date: 3/18/2009
Basom

s/Bruce E.

BRUCE E. BASOM
CIRCUIT COURT REFEREE
MONTCALM COUNTY FOC

Date: 4/01/2009
Wierckz

s/ Jessica K.

JESSICA K. WIERCKZ
CIRCUIT COURT REFEREE