

23<sup>rd</sup>

Circuit Court/

Family Court

Reasonable Parenting Time  
Policy

Effective: 06/05/2017

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## PARENTING TIME POLICY

### Parenting time shall include all siblings.

It is strongly recommended that parents develop their own arrangements that will take into consideration the unique circumstances of their family.

These arrangements can be changed and modified from time to time. In cases where the child(ren) has special needs and the parties are unable to agree upon a parenting time schedule, one of the parties must petition the Court to request specific parenting time.

If your order has specific days and times, the parties **MUST FOLLOW** the Court order.

### REASONABLE PARENTING TIME

If your order states that the Parties have reasonable parenting time, the Friend of the Court will enforce this parenting time schedule.

The parenting time schedule to be followed will be determined by the age of the oldest child of the family.

### THE PARENTS SHOULD:

**Show up for parenting time on time.** Nothing disappoints a child(ren) more than to be waiting and the parent fails to show. Neither parent is expected to wait longer than 30 minutes beyond the scheduled time. Being late should not be a regular practice. Whenever possible, you should give three (3) days advance notice if you are unable to exercise parenting time as planned.

**Spare the child(ren).** Parenting time does not have to be traumatic for the child(ren). The parent is expected to pick-up and drop-off the child(ren), period. It is not necessary to inspect the home. The other parent does not have to provide a detailed description or itinerary on where, what, and how the parenting time will be exercised.

**Understand that 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.

**Read this information** carefully before contacting the Friend of the Court office on the case.

**Know that 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 come into the Friend of the Court office and complete the necessary forms. Please do not call the Friend of the Court office regarding parenting time matters. The Friend of the Court will instruct you that the parties will and **MUST FOLLOW** the orders of the Court.

**Do not expect the Friend of the Court to correct the problem the day it occurs.** If the problem is something that can be addressed quickly the Friend of the Court will do what it can, but if the problem needs to be

scheduled for a hearing to change the order, or address the parenting time issue, it will be set as quickly as the court allows.

**Not tell the other party not to show for parenting time.** If the order states that the other party gets parenting time, you do not have the authority to deny that time; if you do, you face contempt proceedings.

- If CPS (Child Protection Services) is contacted and they determine that parenting time should be suspended, they will petition the court or notify the Friend of the Court office. If they do not, parenting time will go as scheduled. If the child is in immediate danger, CPS has rules to follow.

**TO CHANGE THE ORDER:** A motion must be filed or the parties can meet with the Friend of the Court and agree to enter a stipulated

**Transportation for parenting time: Unless expressed in the order the parent receiving parenting time will pick the child(ren) up. At the end of parenting time, the parent receiving the child(ren) will pick the child up.**

## PARENTING TIME SCHEDULE

### PARENTING TIME SCHEDULE FOR CHILDREN THREE (3) YEARS OLD AND UNDER:

In a family where the oldest child is under the age of three (3), the non-custodial parent will have the children as follows:

- Alternating weekends from 9:00 a.m. Saturday until 6:00 p.m. on Sunday;
- During the week, the non-custodial parent will have one (1) evening of parenting time for a minimum of two (2) hours. If the parents are unable to agree on the specific weekday or time, it shall be every Wednesday from 5:00 p.m. to 7:00 p.m.;
- During a calendar year, the non-custodial parent will have three (3) nonconsecutive one (1) week periods of parenting time. The time for this parenting time is defined as 9:00 a.m. Saturday until 9:00 a.m. the following Saturday. This shall commence on a regular parenting time weekend of the non-custodial parent so that the alternate weekend rotation continues throughout the year. During this time, the custodial parent will have one (1) evening of parenting time that week for a minimum of two (2) hours if the child(ren) is not out-of-town for a vacation.
  - If the parents are unable to agree on a specific weekday or time, it shall be Wednesday from 5:00 p.m. to 7:00 p.m.
  - If the parties cannot agree on the weeks that the non-custodial parent will have for the nonconsecutive weeks of parenting time then the weeks will begin the first weekend the non-custodial parent has the child(ren) in June, July and August of each year.
  - These three (3), one (1) week periods qualify for child support abatement if there is such a provision in the current child support order. (Found in some orders prior to 2009)

- If the parties can agree on a different week for parenting time, the parties will give the Friend of the Court thirty (30) days advance notice of the intent to exercise this parenting time; and
- If the parties cannot agree, the Holiday Schedule listed below will take precedence over the weekly schedule.

**PARENTING TIME SCHEDULE FOR CHILDREN FOUR (4) YEARS OLD AND OVER:**

In a family where the oldest child has reached the age of four (4), all younger children are bound by this schedule.

- Each parent will have alternating weekends from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.
- If a second shift is involved, then 9:00 a.m. Saturday pick-up and 6:00 p.m. Sunday return.
- The non-custodial parent may request a third-party pick-up for the 6:00 p.m. Friday parenting time. If a third party is used to pick up the child it must be someone the child(ren) know, for example, the child’s grandparents, or current spouse of the non-custodial parent.
- The non-custodial parent will have one (1) evening each week during the school year for a minimum of two (2) hours. If the parents are unable to agree on the specific weekday or time, it shall be every Wednesday from 5:00 p.m. to 7:00 p.m.; and
- The parties will follow the holiday schedule listed below.

**HOLIDAY SCHEDULE:**

The following holiday schedule applies to ALL children regardless of their age.

The holiday schedule takes precedence over any other regular parenting time schedule of the child(ren).

**In odd numbered years, the Mother will have the following holidays:**

Child(ren)'s Birthday;  
Easter;  
Fourth of July;  
Thanksgiving;  
Christmas Day; and  
New Year’s Eve.

**In odd numbered years, the Father will have the following holidays:**

Memorial Day;  
Labor Day;

Halloween; and  
Christmas Eve.

**In even numbered years, the Mother will have the following holidays:**

Memorial Day;  
Labor Day;  
Halloween; and  
Christmas Eve.

**In even numbered years, the Father will have the following holidays:**

Child(ren)'s Birthday;  
Easter;  
Fourth of July;  
Thanksgiving;  
Christmas Day; and  
New Year's Eve.

**Hours for holidays are as follows:**

- Easter: 8:00 p.m. the day before to 8:00 p.m. on Easter Day
- Memorial Day: 8:00 p.m. the day before to 8:00 p.m. on Memorial Day
- Fourth of July: 8:00 p.m. the day before to 9:00 a.m. on July 5th
- Labor Day: 8:00 p.m. the day before to 8:00 p.m. on Labor Day
- Halloween: 4:00 p.m. until 8:00 p.m. or reasonable time if the parent exercising parenting time is working and not available at 4:00 p.m.
- Thanksgiving: 8:00 p.m. the day before to 8:00 p.m. on Thanksgiving Day
- Christmas Eve: 6:00 p.m. December 23rd to 9:00 p.m. on December 24th
- Christmas Day: 9:00 p.m. December 24th to 9:00 p.m. on December 25th
- New Year's Eve: 6:00 p.m. December 30th to 9:00 p.m. on January 1st

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. Pick-up and return times are listed above.

In the event that the parent's holiday (i.e., Memorial Day, Labor Day, and Thanksgiving) coincides with his/her regular weekend schedule, the child(ren) will remain with that parent for the entire extended weekend. With the exception of the extended Thanksgiving weekend if the child(ren) are three (3) years old and under.

**Child(ren)'s Birthday:** Regardless of age, birthdays in the summer and on weekends shall be from 8:00 p.m. the day before until 8:00 p.m. on the birthday, and during the school year from 5:30 p.m. to 8:00 p.m. on the child's birthday. If a birthday falls on a holiday, the holiday takes precedence over the birthday.

**Mother's Day:** Each year, the Mother will have Mother's Day from 8:00 p.m. the day before to 8:00 p.m. on Mother's Day.

**Father's Day:** Each year, the Father will have Father's Day from 8:00 p.m. the day before to 8:00 p.m. on Father's Day.

### **PERIODS OF EXTENDED PARENTING TIME**

Once the oldest child of a family reaches the age of four (4), all children are bound by the following extended parenting time.

#### **Summer Break from school:**

- One-half of the Summer Break from school is to be spent with each parent.
- In odd numbered years, the Mother will have the first half of the Summer Break from school and the Father will have second half.
- In even numbered years, the Father will have the first half of the Summer Break from school and the Mother will have the second half.

**Summer Break from school is defined as 9:00 a.m. the day after school recesses for the school year until 6:00 p.m. the day before the new school year resumes.**

- The first half of the Summer Break will end and the second half of the Summer Break will begin at 6:00 p.m.
- The alternating weekend schedule will remain in effect throughout the entire Summer Break from school.
- The midweek parenting time is suspended during the Summer Break from school.
- Both parents should confirm Summer Break parenting time in writing to each other, and a copy to the Friend of the Court (if ordered) no later than May 1st of each year.

### **Phone/Internet Contact:**

When the child(ren) are in the care of the non-custodial or custodial parent for an extended period of time (e.g., one week) or the mid-week parenting time is not possible, the child(ren) shall have the right to contact with the other parent by telephone or Internet.

When establishing the contact schedule, it is important to consider the age and the maturity of the child(ren). With a school age child(ren), the contact should be at a minimum of once per week for a time that is appropriate for the child(ren)'s age.

The frequency of the contact should be established on a case by case basis and normally will be set as the parties agree. If the parties cannot agree to a time and the length of the call, it will be on Wednesday night, the call will be placed between 7 to 7:30 pm, with the receiving party given 10 minutes to call back if a message is left. The duration of the call shall not exceed 45 minutes.

If the child(ren) will be vacationing or residing at a location different from the usual location, the other parent should be informed of a telephone number, address and the means to contact the other parent in case of an emergency.

### **Christmas Break from School:**

In odd numbered years, the Father will have the first part of the Christmas Break commencing at 6:00 p.m. on the day school recesses until 9:00 p.m. Christmas Eve; and the Mother will have the second part of the Christmas Break commencing at 9:00 p.m. on Christmas Eve until 6:00 p.m. the day before school resumes.

In even numbered years, the Mother will have the first part of the Christmas Break commencing at 6:00 p.m. on the day school recesses until 9:00 p.m. Christmas Eve and the Father will have the second part of the Christmas Break commencing at 9:00 p.m. on Christmas Eve until 6:00 p.m. the day before school resumes.

**Note: The midweek and weekend parenting time is suspended during the Christmas Break from school.**

The previously established alternate weekend rotation will resume after the conclusion of the Christmas Break from school.

### **Spring Break from School:**

Spring Break from school is defined as 6:00 p.m. the day school recesses until 6:00 p.m. the day before school resumes.

In odd numbered years, the Mother will have the Spring Break from school.

In even numbered years, the Father will have the Spring Break from school.

**Note: The midweek and weekend parenting time is suspended during the Spring Break from school.**

The previously established alternate weekend rotation will resume after the conclusion of the Spring Break from school



### **Out-of-State Vacation:**

Unless the Court order prohibits it, either parent may take the minor child(ren) out-of-state for a vacation. An order of domicile refers only to the residence of a child(ren) 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(ren) may be reached in case an emergency arises.

Unless both parties agree, the parent's vacation plans must not interfere with the other parent's time.

### **LONG DISTANCE PARENTING TIME POLICY, WHERE ALTERNATING WEEKENDS ARE NOT APPLICABLE**

#### **Travel distance of over THREE (3) HOURS AWAY or where one parent lives out of the State**

It is strongly recommended that parents develop their own arrangements that will take into consideration the unique circumstances of their family. These arrangements can be modified by filing a motion with the Court for a change in the order. If both parties agree to change the order, they may contact the Friend of the Court for a joint meeting to sign a stipulation order.

### **Frequent access to both parents is essential for the successful adjustment of the child(ren) to the divorce/separation of their parents.**

The capacity to cooperate on behalf of the child(ren) is often difficult for parents who have separated. Under circumstances where all efforts to establish time periods for each parent to be with the child(ren) have failed, the following mandated schedule will be implemented:

- The non-custodial parent will have Christmas Break in even numbered years: from the day that school lets out to the day before school resumes.
- The custodial parent will have Christmas Break in odd numbered years: from the day that school lets out until the day before school resumes.
- The non-custodial parent will have Spring Break in odd numbered years: from the day school breaks until the day before school resumes.
- The custodial parent will have Spring Break in even numbered years: from the day school break starts to the day before school resumes.
- The non-custodial parent will have the first half of Summer Break in even numbered years and the second half of summer vacation in odd numbered years.
- If Summer School is required or a necessary for the child(ren) to pass to the next grade and they must attend.
- The non-custodial parent gets from the day Summer School ends until the day before school resumes.

- A general written itinerary and phone number will be provided to the other parent if the child(ren) is on a trip away from either parent's home.
- Responsibility for transportation costs for Christmas Break, Spring Break, and Summer Break parenting time will be shared equally when the child(ren) has moved from the county.

**TRANSPORTATION COSTS:** Responsibility for transportation costs for Christmas Break, Spring Break, and Summer Break parenting time will be the sole responsibility of the non-custodial parent when the non-custodial parent has moved from the county area; if the custodial parent moved from the county area, the custodial parent will be responsible for transportation costs.

- Each party will give a minimum of two weeks' notice prior to the flight and will provide the other party with arrival and departure times. Unless specified in the court order, the party purchasing a ticket for parenting time will purchase a round trip ticket and provide all information to the other party. For children under the age of 12 when traveling by air, the person will insure the child has a person to travel with or will purchase the required supervision as provided by the air carrier.

Additional parenting time is to be given:

- Upon two (2) days' notice whenever the non-custodial parent is in the geographical area of the child(ren);
- Whenever the child(ren) is in the area of the non-custodial parent, the custodial parent must notify the non-custodial parent and offer time for the child(ren) to be with the non-custodial parent;
- Weekend parenting time shall be extended, when travel for the child(ren) does not exceed three (3) hours one way, whenever the child(ren) has a Friday or a Monday school holiday.

The custodial parent shall provide a copy of the school calendar to the non-custodial parent every fall so that arrangements for weekend parenting time can be made in advance.

In a family where no children are of school age, the non-custodial parent will be entitled to five (5) days per month commencing the first Friday of every month.

#### **EXCUSES THAT ARE NOT VALID REASONS FOR DENYING PARENTING TIME**

- The child(ren) is sick [unless the non-custodial parent is provided with the specific nature of the illness and has an opportunity to see the child(ren)]. A note from a physician is required. A make-up weekend shall then be provided to the parent exercising parenting time.
- The child(ren) has to go somewhere else.
- The child(ren) is not home.

- The non-custodial parent is behind in his or her support obligation or not paying.
- The child(ren) wants to stay home (REGARDLESS OF AGE).
- The custodial parent does not want the child(ren) to go.
- The weather is bad.
- The child(ren) has no clothes to wear.
- The custodial parent lets the child decide to go or not. The child does not have a say in going or not going. If parenting time is ordered, the child, regardless of age, will go on parenting time.
- A child which is 18 years old and emancipated can decide not to go but must go at any other age.

### **PARENTING TIME REMEDY STEPS**

**BEFORE YOU BEGIN:** An order regarding parenting time must be entered with the Court and each step must be attempted, with written evidence provided to the Friend of the Court, before moving on to the next remedy.

Please do not call the Friend of the Court regarding possible future parenting time disputes. Your caseworker cannot predict the future or act on what might occur. The Friend of the Court must follow the most recent order of the Court.

**Step 1:** An attempt must be made to pick-up the child(ren) regardless of threats to deny the parenting time. Proof must be provided (upon request) showing the attempt to pick the child(ren) up.

**Step 2:** 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. Parenting time is for the child(ren); do it in the child(ren)’s best interest.

Step 3: Attendance at the S.M.I.L.E. Program (Start Making it Livable for Everyone). SMILE is a forty-five (45) minute video that educates parents on the impact of separation/divorce and offers information to parents about how to help make the process easier for their child(ren).

Parties, who are getting divorced are ordered to attend the SMILE program. The Court has ordered that people getting parenting time and support orders through the Prosecutor's office attend this program for the benefit of the child(ren). For more information, call the Friend of the Court office.

Step 4: If Court ordered parenting time is denied, a WRITTEN COMPLAINT must be filed with the Friend of the Court.

- It must be submitted in writing (forms are available at the Friend of the Court office or you may submit your complaint on an 8 1/2 X 11 size piece of paper) within seven (7) days of the alleged violation.
- It must include:
  1. Your docket number;
  2. Name, address, telephone number, date of birth, and social security number of the Plaintiff and Defendant;
  3. Child(ren)'s name and birth date;
  4. Dates and times of alleged incident;
  5. Specific problem being addressed;
  6. If you physically attempted to pick-up the child(ren); and
  7. What specific action are you requesting the Friend of the Court take?

The complaint MUST have YOUR signature and the date submitted AND must be filed within 7 days of the violation or the Friend of the Court may not respond. The Friend of the Court will only respond to a named party to the case (The Friend of the Court where the case is filed will have forms available).

Step 5: Joint Meeting process. An informal meeting between the parents and a Caseworker which allows both parents an opportunity to present their side of the problem and attempt to resolve the parenting time issues without having to go to Court. There is no cost to either parent. The complaining parent must submit in writing a request to the Friend of the Court for a joint meeting. If an agreement is reached, an order will be prepared.

Step 6: Show Cause Hearings. If no resolution is reached, the alleged violator may have to appear at a Show Cause Hearing to show the Court why he/she should not be held in contempt for violation of the Court order. The Court has a wide range of powers to enforce its' orders including: fines and costs, jail, make-up time, loss of an occupational and/or driver's license, and, in extreme cases, changes in custody. The same remedies or sanctions used for failure to pay support may be imposed for denial of parenting time.

The Child Custody Act imposes an obligation on the Court to review agreed upon arrangements to confirm that they are in the best interest of the child(ren). Courts may reject or modify an agreed arrangement if not in the child(ren)'s best interest.

### **Friend of the Court Can Refuse to Enforce Parenting Time**

The Friend of the Court has the right to refuse to enforce parenting time violations when: 1) the complaint is not timely, 2) the order does not address the issue in the complaint, 3) the party complaining has two or more unwarranted complaints, was assessed costs, and has not paid the costs, or 4) an attempt to physically pick-up the child(ren) was not made.

### **Grandparent Visitation**

The grandparent visitation act, Section 7b of the Michigan Child Custody Act of 1970, MCL 722.27b, was declared unconstitutional by the Michigan Court of Appeals in the case of DeRose v DeRose in 2003. The Michigan Legislature has passed a new grandparent visitation act, 2005 PA 542, MCL 722.27b, replacing the original act and addressing the issues in DeRose by setting forth specific circumstances under which a grandparent may seek parenting time, the procedures which must be followed, and the effect of granting grandparent parenting time on the rights of a custodial parent, non-custodial parent and/or third party custodian.

### **Neglect & Abuse Cases**

The Friend of the Court does not have the necessary staff or expertise to handle neglect and abuse cases. Information should be immediately reported to Protective Services at 1-855-444-3911. If parenting time is withheld pending an investigation, CPS will have to send information to the Friend of the Court. If CPS is not going to petition the Court to stop parenting time, you must follow the parenting time order until it is changed by the Court. Failure to follow the order, could result in a show cause hearing. The Friend of the Court does not have the authority to tell a party not to comply with the order. You may file a Motion to Change Parenting Time, if you feel that a change to the order is needed.

### **False Accusations**

Laws effective January 1, 1997, provide for criminal charges, sanctions, and/or penalties for any intentional false statements made regarding abuse and neglect.

### **Calling the Police**

The only time that police should be called is if the child(ren) or the parties are in immediate danger. Calling the police for parenting time disputes is very traumatic for the child(ren). Most law enforcement agencies do not become involved and refer all matters to the Friend of the Court. At all times, parents should make every effort to refrain from calling the police and settle the dispute through the Friend of the Court. Handle these situations in a civil manner by walking away and filing your complaint with the Friend of the Court office.

**The 23<sup>rd</sup> Circuit Court does have a make-up parenting time policy that could be implemented if parenting time was denied for the wrong reason. The policy is designed to minimize the tension and conflict to which the child(ren) is exposed.**

#### **FOR YOUR INFORMATION**

This policy refers to “weekend” as being Friday through Sunday, if a person’s work schedule prevents them from following the “weekend” as identified, the parties can stipulate to a different day during the week for parenting time, as long as it does not interfere with school or other activities the child may be involved with. If the parties cannot reach an agreement on the date, they can request a meeting with the Friend of the Court Case manager.

If a child is on medication, written instructions as to dosage and proof of the physician’s prescription are to be supplied to the non-custodial parent. In the event a non-custodial parent disagrees with the medical instructions and/or prescriptions that are required, they are to petition the Court rather than withhold medication.

The parenting time schedule will be exercised in a prompt manner. In the event of an unforeseen circumstance, a thirty (30) minute delay is allowed for picking-up and returning the child(ren). When there is inclement weather, the parents shall allow more time for pick-up or return. If the custodial parent is home after the thirty (30) minutes, parenting time shall be allowed.

The alternating weekend parenting time schedule is to be exercised throughout the entire calendar year, except as noted during the Christmas and spring breaks from school.

If the non-custodial parent is unable to exercise their parenting time due to incarceration, parenting time shall resume according to the normal rotation upon their release.

During any period of extended parenting time, the holiday schedule continues as specified.

Summer school that is deemed necessary for the child(ren) to pass to the next grade must be attended. Documentation from the school is required. An alternate parenting time schedule shall be developed.

An emergency telephone number will be provided to the other parent if an out-of-town vacation is planned.

The Friend of the Court 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(ren) will grow into adulthood and will recognize the relationship between them and each of their parents for what it has developed into.

If your case has not yet resulted in a Judgment of Divorce, please contact your attorney for any clarification regarding parenting time.

The Friend of the Court may also determine when a parenting time schedule begins if the order is silent.

Transportation is the responsibility of the parent exercising parenting time regardless of who has custody. A third-party pick-up of the minor child(ren) by a person that is familiar to the minor child(ren) and custodial parent. A grandparent, current spouse, aunt, uncle, etc. would be considered reasonable by the Court in a circumstance where the parent exercising parenting time is unable to pick-up the minor child(ren). The parent exercising parenting time shall inform the other parent of this arrangement when possible.

Unless the Court order prohibits it, either parent may take the minor child(ren) out-of-state for vacation without the Court's permission.

Any agreement to modify the parenting time order shall be reduced to a written order. However, a signed statement from the parties regarding temporary changes will be considered for enforcement purposes.

### **Personal Protection Orders**

These orders should not be used to deny custody or parenting time. The Court will not issue a personal protection order restraining a parent from contact with their child(ren) unless there is evidence that the child(ren) is in danger. It is your responsibility to inform the Court of a custody/parenting time order when presenting your motion before the Judge.

**PARENTING TIME ORDER: Your Parenting time order is what the parties and the Friend of the Court must follow. If your order is silent on specific things, you should follow this policy. If you wish to change the parenting time order; you must file a motion.**

**NOTE: The Friend of the Court does not represent either party, the Friend of the Court offices do not have attorneys, and cannot provide legal advice. You can either contact an attorney or you can contact legal aide in your area.**

**There are legal programs on the internet which you can use: [Michiganlegalhelp.org](http://Michiganlegalhelp.org) is one of them.**

**This policy is based on information from the Michigan Parenting Time Guideline, Michigan Compiled Laws and Michigan Court rules. Parties wishing to change their order for parenting time will have to file a motion with the Clerk of the Court to have a hearing.**

**Forms are available at the Friend of the Court office or on the internet.**