

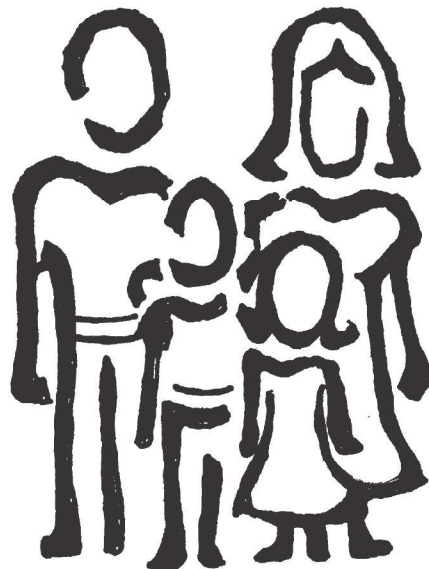
36TH JUDICIAL CIRCUIT COURT  
VAN BUREN COUNTY  
MICHIGAN

**PARENTING TIME  
GUIDELINES**

*Parenting...*

*It's a lifetime commitment*

**FRIEND OF THE COURT**  
203 S. NILES STREET  
PAW PAW, MI 49079  
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# **36<sup>th</sup> JUDICIAL CIRCUIT COURT**

## **Reasonable Parenting Time Guidelines**

*Effective August 1, 2022*

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## PHILOSOPHY OF THE 36<sup>TH</sup> JUDICIAL CIRCUIT COURT, FAMILY DIVISION

If you and your child's other parent are co-parenting successfully, you may feel portions of these guidelines are "preaching to the choir." The court applauds parents who place their child's needs and feelings first. If you are co-parenting successfully, please reference these guidelines only as needed.

For parents who have disagreements, these guidelines are meant to assist in co-parenting and the Friend of the Court (FOC) offers the following services to parents with custody and parenting time issues:

1. **Consent orders:** If both parents agree to a change in their court order, as long as both parties are not represented by an attorney the Friend of the Court (FOC) will assist in translating that agreement into an order.
2. **Mediation:** If parents recognize they need assistance to resolve custody and/or parenting time disputes, the FOC offers mediation, at no cost to the parties, as a way to avoid costly litigation. If both parents agree, a referral will be made to a mediator trained in resolving custody and/or parenting time disputes. If both parties are self-represented and mediation results in an agreement, the FOC will prepare an order adopting the 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, there are self-help forms you may use to file a motion with the court if you do not wish to hire an attorney. These forms are available in the FOC office for \$1.00, or on the [FOC](https://www.vanburencountymi.gov/191/Forms-For-Your-Use) at <https://www.vanburencountymi.gov/191/Forms-For-Your-Use> at no charge. If you use these forms, you are representing yourself in your case as a self-represented litigant (SRL).
4. **Family counseling:** Counseling may be appropriate for parents as well as children, and some limited funds are available to parents for these services. Ask the parenting time/custody case manager for more information.
5. **Parenting time calendars:** The FOC suggests parents meet at least once per year to review their parenting time schedule for the upcoming calendar year. If necessary, the FOC will help parents develop a parenting time calendar to refer to.

# CUSTODY

The way the Court addresses custody depends upon whether or not you already have a court order in place. For cases with an order already in place, to change your order, you will need to show a proper cause or a change of circumstances. This requirement minimizes unwarranted, or disruptive, changes to custody orders, except in the most compelling circumstances. For explanations of the legal terms, see [MCL 722.27\(1\)\(c\)](#) and *Vodvarka v. Grasmeyer*, 259 Mich App 499 (2003).

To establish a “change of circumstances,” the moving party must show that ***since the entry of the last custody order***, the conditions surrounding custody of the child, which have or could have a significant effect on the child's well-being, have materially changed.

To establish “proper cause”, the moving party must prove the existence of an appropriate ground for legal action. The appropriate ground(s) should be relevant to at least one of the twelve statutory best interest factors, and must be of such magnitude to have a significant effect on the child's well-being.

Whether establishing a new order, or modifying an existing one, the court is required to consider the twelve best interests of the child using the factors found in Michigan law at MCL 722.23:

- a. *The love, affection, and other emotional ties existing between the parties involved and the child;*
- b. *The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any;*
- c. *The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs;*
- d. *The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity;*
- e. *The permanence, as a family unit, of the existing or proposed custodial home or homes;*
- f. *The moral fitness of the parties involved;*
- g. *The mental and physical health of the parties involved;*
- h. *The home, school, and community record of the child;*
- i. *The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference;*
- j. *The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents;*
- k. *Domestic violence, regardless of whether the violence was directed against or witnessed by the child; and*
- l. *Any other factor considered by the court to be relevant to a particular child custody dispute.*

It is important for all parents to know that the best interest factors are to be applied, and weighed, the court solely in terms of how a parent will function *as a parent*. In addition, the best interest factors are not a mathematical formula and the weight assigned to any one factor by the court depends on the specific circumstances of the case.

## PARENTING TIME

**Parenting time** is the time each parent spends with the child.

**Parenting time is a right of the child**, not a right of the parents. For more information on the child's right to parenting time, please review [MCL 722.27a](#).

Because parenting time is a right of the child, and it is presumed to be in the best interests of the child to develop strong bonds with both parents, **both parents should:**

- Facilitate and encourage the child's relationship with the other parent.
- Model positive communication with one another, especially at parenting time exchanges, and any other times the child is present.
- When communicating with one another, focus on the child's needs.
- Share information about the child's routines, food preferences, medical needs, and any behavioral changes.
- Strive to develop healthy communication between themselves and the child.

If parents agree on parenting terms, the court will issue an order reflecting those terms unless it determines, on the record, the agreement is not in the best interests of the child.

When determining parenting time, the court shall grant parenting time in the frequency, duration, and type reasonably calculated to promote a strong relationship between the child and each parent. The factors the court MAY consider, from MCL 722.27a(7), are:

1. The existence of any special circumstances or needs of the child.
2. Whether the child is a nursing child less than 6 months of age, or less than 1 year of age if the child receives substantial nutrition through nursing.
3. The reasonable likelihood of abuse or neglect of the child during parenting time.
4. The reasonable likelihood of abuse of a parent resulting from the exercise of parenting time.
5. The inconvenience to, and burdensome impact or effect on, the child of traveling for purposes of parenting time.
6. Whether a parent can reasonably be expected to exercise parenting time in accordance with the court order.
7. Whether a parent has frequently failed to exercise reasonable parenting time.
8. The threatened or actual detention of the child with the intent to retain or conceal the child from the other parent or from a third person who has legal custody. 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.
9. Any other relevant factors.

The *Michigan Child Custody Act* also permits the Court to impose reasonable terms or conditions on parenting time that are designed to facilitate the orderly and meaningful exercise of parenting time. These may include:



1. Division of responsibility and/or cost of transporting a child.
2. Restrictions on /or requirements for the presence, or absence, of third persons at parenting time.
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 to ensure compliance with the Court's order.
6. Requirement of reasonable notice when scheduled contact will not occur.
7. Any other reasonable condition determined to be appropriate to a particular case.

## **PARENTING TIME GUIDELINES – SCHEDULES**

### **Reasonable Parenting Time – Defined**

**Reasonable Parenting Time As Agreed By The Parents.** If your order contains language similar to: *a parent has reasonable parenting time as agreed by the parents*, the parents must mutually agree to a schedule. If the parents cannot mutually agree, they may request to meet with the custody and parenting time case manager, or may submit a motion to the FOC. The FOC will schedule the hearing and mail the motion, and notice of hearing, to the parties.

**Reasonable Parenting Time.** If your order states a parent has reasonable parenting time *and is silent as to the schedule*, parenting time shall be as mutually agreed to between the parents. However, if the parents cannot agree, the 36th Judicial Circuit Court has determined the policies for parenting time below are reasonable, in the best interests of the child, and shall be observed by parents living within 100 miles of each other.

**NOTE:** The court periodically reviews and revises its parenting time guidelines. The guidelines in effect at the time your order was entered will be the guidelines applied to your case until further order of the court.

### **REASONABLE PARENTING TIME SCHEDULES**

The applicable guidelines below shall be determined by the age of the parties' eldest child, unless the parties otherwise agree.

#### **Parenting Schedule For A Child Under Three Years of Age**

When the parties' eldest child is under the age of three, the non-custodial parent shall have parenting time as follows:

1. Alternate Weekends. From Saturday at 9:00 a.m. to Sunday at 6:00 p.m.
  - a. Breast-fed children. 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 Sundays from 3:00 p.m. to 6:00 p.m.

2. Weekday Evening. One evening every week, for a minimum of two hours. If the parties cannot agree on the day/time, the parenting time shall be Wednesday from 6:00 p.m. to 8:00 p.m.
3. Extended Parenting Time. During a calendar year, the non-custodial parent of a child who is not *solely* breastfed shall have three nonconsecutive one-week periods of parenting time.
  - a. Parenting time shall be from Sunday at 5:00 p.m. to 5:00 p.m. the following Sunday.
  - b. During these weeks, the other parent shall have two evening parenting times each week, for a minimum of two hours each evening, provided the child is not on an out-of-town vacation. If the parents cannot agree on the days, the evenings shall be Tuesday and Thursday from 6:00 p.m. to 8:00 p.m.  
  
Thursday from 6:00 p.m. to 8:00 p.m.
  - c. The non-custodial parent shall give the custodial parent 60 days advance written notice of the intent to exercise this extended parenting time.
  - d. This parenting time shall not conflict with the other parent's holiday parenting time, unless the parties otherwise agree.
4. Holidays. Holiday parenting time shall be according to the *Holidays* section later in these guidelines.

### **Parenting Schedule For Children Three-Years-Old, Until the Completion of Kindergarten**

When the parties' eldest child is three years old, 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. Alternate Weekends. From Friday at 6:00 p.m. to Sunday at 6:00 p.m.
2. Weekday Evening. One evening every week, for a minimum of two hours. Unless otherwise agreed, the parenting time shall be Wednesday from 6:00 p.m. to 8:00 p.m.
3. Extended Parenting Time. During a calendar year, the non-custodial parent shall have three nonconsecutive one - week periods of parenting time.
  - a. Parenting time shall be from Sunday 5:00 p.m. to 5:00 p.m. the following Sunday.
  - b. During these weeks, the custodial parent will have evening parenting times twice per 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 from 6:00 p.m. to 8:00 p.m.
  - c. The non- custodial parent shall give the custodial parent 60 days advance written notice of the intent to exercise parenting time.
  - d. If the child is in kindergarten, extended parenting time *should* 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. Holidays. Holiday parenting time shall be according to the *Holidays* section later in these guidelines.



## **Parenting Schedule For A School-Aged Child (1st grade through 12th grade)**

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

1. Alternate Weekends. From Friday 6:00 p.m. to Sunday 6:00 p.m.
2. Weekday Evening. One evening every week, for a minimum of two hours. Unless otherwise agreed, the parenting time shall be Wednesday from 6:00 p.m. to 8:00 p.m.
3. Holidays. Holiday parenting time shall be according to the *Holidays* section later in these guidelines.
4. Extended Breaks. Extended break parenting time shall be according to the *Extended Break Parenting Time* section later in these guidelines.

### **HOLIDAYS**

The following holiday schedule applies to all children, regardless of age, unless otherwise excluded elsewhere in this policy, such as for *solely* breastfed children.

**Additional Holidays.** Parents are encouraged to include any other holidays not listed here in their parenting time order, as they can agree. Additional holidays may include other religious holidays your family observes, other legal holidays, and other holidays/vacations unique to the child's school district. However, unless that holiday is specifically included in the parenting order, **the court cannot enforce the holiday parenting time.**

**NOTE:** Holiday parenting takes precedence over any other regularly scheduled parenting time and any extended summer, Christmas, and/or spring break parenting times. In some instances, it is possible a parent who has reasonable parenting time may go up to three weekends without seeing the child. When this occurs, parents are encouraged to arrange alternate parenting time, in the child's best interests.

## HOLIDAYS

The following holiday schedule applies to all children, regardless of age, unless otherwise excluded elsewhere in this policy, such as for *solely* breastfed children.

**Additional Holidays.** Parents are encouraged to include any other holidays not listed here in their parenting time order, as they can agree. Additional holidays may include other religious holidays your family observes, other legal holidays, and other holidays/vacations unique to the child's school district. However, unless that holiday is specifically included in the parenting order, **the court cannot enforce the holiday parenting time.**

**NOTE:** Holiday parenting takes precedence over any other regularly scheduled parenting time and any extended summer, Christmas, and/or spring break parenting times. In some instances, it is possible a parent who has reasonable parenting time may go up to three weekends without seeing the child. When this occurs, parents are encouraged to arrange alternate parenting time, in the child's best interests.

### Plaintiff/Third-Party Plaintiff – Parent A

Even Numbered Years	Odd Numbered Years
<b>Fourth of July.</b> From 6:00 p.m. July 3rd to 6:00 p.m. 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.	<b>Easter.</b> From 6:00 p.m. the Saturday before Easter until 6:00 p.m. Easter day.
<b>Thanksgiving Weekend.</b> Beginning 6:00 p.m. the Wednesday evening before Thanksgiving Day and ending at 6:00 p.m. on the Sunday following Thanksgiving Day.	<b>Memorial Day Weekend.</b> Beginning 6:00 p.m. on Friday of the weekend and ending at 6:00 p.m. on Memorial Day.
<b>Christmas Day.</b> From 6:00 p.m. December 24 to 6:00 p.m. December 25.	<b>Labor Day Weekend.</b> Beginning 6:00 p.m. Friday of the weekend and ending at 6:00 p.m. on Labor Day.
<b>Halloween.</b> Unless otherwise agreed, from 4:00 p.m. to 8:00 p.m. on Halloween day.	<b>Child's Birthday.</b> For a minimum of three hours. Includes all siblings in the order for each birthday. Unless otherwise agreed, the time shall be from 5:00 p.m. to 8:00 p.m.

### Defendant – Parent B

Even Numbered Years	Odd Numbered Years
<b>Easter.</b> From 6:00 p.m. the Saturday before Easter until 6:00 p.m. Easter day.	<b>Fourth of July.</b> From 6:00 p.m. July 3rd to 6:00 p.m. 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.



<b>Memorial Day Weekend.</b> Beginning 6:00 p.m. on Friday of the weekend and ending at 6:00 p.m. on Memorial Day.	<b>Thanksgiving Weekend.</b> Beginning 6:00 p.m. the Wednesday evening before Thanksgiving Day and ending at 6:00 p.m. on the Sunday following Thanksgiving Day.
<b>Labor Day Weekend.</b> Beginning 6:00 p.m. Friday of the weekend and ending at 6:00 p.m. on Labor Day.	<b>Christmas Day.</b> From 6:00 p.m. December 24 to 6:00 p.m. December 25.
<b>Child's Birthday.</b> For a minimum of three hours. Includes all siblings in the order for each birthday. Unless otherwise agreed, the time shall be from 5:00 p.m. to 8:00 p.m.	<b>Halloween.</b> Unless otherwise agreed, from 4:00 p.m. to 8:00 p.m. on Halloween day.

<b>Mother</b>	
<b>Even Numbered Years</b>	<b>Odd Numbered Years</b>
<b>Mother's Day Weekend.</b> From 6:00 p.m. on Friday before Mother's Day to 6:00 p.m. on Sunday, Mother's Day.	<b>Mother's Day Weekend.</b> From 6:00 p.m. on Friday before Mother's Day to 6:00 p.m. on Sunday, Mother's Day.

<b>Father</b>	
<b>Even Numbered Years</b>	<b>Odd Numbered Years</b>
<b>Father's Day Weekend.</b> From 6:00 p.m. on Friday before Father's Day to 6:00 p.m. on Sunday, Father's Day.	<b>Father's Day Weekend.</b> From 6:00 p.m. on Friday before Father's Day to 6:00 p.m. on Sunday, Father's Day.

**Note:** In the event of same-sex parents, Plaintiff shall observe the relevant 'even numbered years' holiday above, Defendant shall observe the relevant 'odd numbered years' above.

### **EXTENDED BREAK PARENTING TIME**

Once the eldest child completes Kindergarten, extended break parenting time shall be as follows:

#### **A. School Break/Summer vacation:**

Summer parenting time begins at 6:00 p.m. the first Sunday after school recesses for the school year. Summer parenting time ends at 6:00 p.m. seven days before the new school year commences.

Beginning the first Sunday after school recesses for the year, the parties shall enjoy parenting time week-on/week-off, from Sunday at 6:00 p.m. to Sunday at 6:00 p.m. Parent A/Plaintiff shall enjoy the first week in even years, Parent B/Defendant the first week in odd years.



The parents are encouraged to make reasonable accommodations with one another to allow out-of-town vacations with the children.

**B. School Christmas Break:**

The child's Christmas break is divided between the parents.

Christmas break begins at 6:00 p.m. the day school recesses for the Christmas school break. Christmas break ends at 6:00 p.m. the day before school resumes.

Unless the parties agree otherwise, in odd-numbered years, Parent A/Plaintiff will have the first half of the Christmas school break, including Christmas Eve, and Parent B/Defendant shall have the second half. In even-numbered years, Parent B shall have the first half of the Christmas school vacation, including Christmas Eve, and Parent A shall have the second half. The parties shall exchange the children 6:00 pm halfway through the break.

During the Christmas break, regular weekend and weekday evening parenting time is suspended, unless otherwise agreed.

**C. School Spring break:**

In even-numbered years, Parent A/Plaintiff will have the school spring break. In odd-numbered years, Parent B/Defendant will have the school spring break.

Spring break begins at 6:00 p.m. the day school recesses for the break and ends at 6:00 p.m. the day before school resumes.

The parent that does not have extended spring break vacation shall have regularly scheduled weekend parenting time, provided the other parent has no out-of-town vacation plans which include the child. On occasion, this weekend parenting time during school spring break will be superseded by the Easter holiday.

Any out-of-town vacation plans should be confirmed by both parents, in writing, no later than 60 days before the start of the school spring break.

**NOTE:** Extended break parenting time for a child solely breast-fed shall occur consistent with the “**Parenting Schedule For A Child Under Three Years Of Age**” above.

**NOTE:** If the children in the case are homeschooled, the parties shall use the calendar of the local school district to the custodial parent, unless otherwise agreed.

## **MISCELLANEOUS PROVISIONS**

**BE ON TIME.** Parents should arrive for parenting time transfers promptly, and strive to avoid inconveniencing one another. In unforeseen circumstances a parent may not be on time. When these occur, the parent shall notify the other parent of the delay as soon as possible. Parents shall allow one another an occasional 20-minute grace period, to be used **ONLY WHEN ABSOLUTELY NECESSARY**. 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 worse, not being picked up at all.

**EXTRACURRICULAR ACTIVITIES.** Extracurricular activities for a child are generally positive and to be encouraged. However, extracurricular activities should not unreasonably interfere with the exercise of parenting time. Sometimes, extracurricular activities may be incorporated into parenting time by the non-custodial parent attending the event, e.g. soccer game, music recital. Other times, it may be necessary for extracurricular activities to be rescheduled or even curtailed to allow parenting time of an appropriate duration and meaningful quality to take place. Both parents should consider the age and individual needs of the child when considering extracurricular activities and potential conflicts with parenting time.

**TRANSPORTATION.** Unless otherwise agreed, the parent exercising parenting time shall pick up the child at the beginning of their parenting time. The parent exercising midweek parenting time is responsible for all transportation on that occasion.

**CLOTHING, PERSONAL ITEMS AND PRESCRIPTION MEDICATION.** Clothes, prescription medication, and other personal items 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. The parent exercising parenting time should return all unused items at the end of parenting time. Clothing should be returned in good condition.

**TELEPHONE/REMOTE CONTACT.** Children should be allowed reasonable remote access to a parent including telephone calls, FaceTime, Zoom, or other similar means when the child is in the care of the other parent. This contact should not become invasive, or interfere with the child's regular activities, e.g., scheduled bedtime, or time spent with the other parent on extended holidays or out-of-town vacations. This contact shall not be used to 'check up on' the other parent. Parents must use common sense and act according to the child's individual needs and best interests.



## **RESOLVING PARENTING TIME DISPUTES**

From time-to-time parents may have disagreements over parenting time. Before taking any action, **READ THE LAST PARENTING TIME ORDER**. The court speaks through its written orders. If your order does not reflect the specific parenting time provision, the court cannot enforce it.

### **Denial of Parenting Time**

There are very few times when a parent may deny parenting time. The following are **NOT VALID** reasons for denying parenting time, or to not have the child ready to be picked up by the other parent for parenting time:

1. The child wanted to go somewhere else.
2. The child is not home.
3. The child wants to stay home (REGARDLESS OF AGE).
4. The parent does not want the child to go.
5. The child does not have clothes to wear.
6. The child fusses when the other parent picks up the child. Your child will likely have some stresses and growing pains, 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.

If parenting time is denied, or the child is not ready to be picked up, for any of the above reasons, a parent may be held in contempt and sanctioned. Specific sanctions are addressed later in these guidelines.

The following excuses **MAY NOT BE VALID** reasons for denying parenting time, depending on the specific circumstances:

1. The child is sick.
2. The weather was bad.

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

**NOTE:** You must attempt to pick the child up, regardless of any statements the other parent has made about denying parenting time. Until parenting time is *actually* denied, there is no denial of parenting time, and a parenting time complaint will not succeed.

### **Note on Parenting Time and Support**

1. A parent **May Not Withhold Parenting Time** for non-payment of support.
2. The payer of support **May Not Withhold Payment Of Support** due to denial of parenting time.

## **Resolving Parenting Time Denials**

The following are the steps for attempting to resolve parenting time disputes:

1. The complaining parent must **attempt to resolve issues directly with the other parent**, either by telephone or in writing. The parties must make a sincere effort to resolve the issue. “We cannot talk to each other” **is not an acceptable excuse** for avoiding contact with the other parent.

**Remember:** treat the other parent as you would like to be treated, and communicate about disagreements out of the presence of the child(ren).

2. If parenting time does not occur, and the parents are unable to resolve the issue on their own, a **WRITTEN COMPLAINT** must be filed with the FOC. Parenting time complaint forms are available on the FOC website, or may be picked up at the FOC office. **Note:** Parenting time complaints are considered non-emergency.

- i. **The Complaint must be submitted in writing** to the Friend of the Court within fifty-six (56) days of the alleged violation. The Friend of the Court will only respond to Complaints filed within 56 days.

- ii. **If you do not include the form available from the FOC, the complaint must include:**

1. Your case number,
    2. Name, address, and telephone number of the Plaintiff and Defendant, and the children’s names,
    3. Date(s) and time(s) of alleged violation(s), the specific issue(s) you want addressed,
    4. Whether or not you attempted to pick up the child, and how you did so,
    5. Whether or not you are requesting make-up parenting time, and if so, proposed make-up dates.

- iii. The complaint **MUST have YOUR signature**, contain the date submitted, and must be received by the FOC within 56 days of the violation. The FOC will only respond to complaints made by a named party to the case.

**NOTE:** The FOC will only enforce parenting time as written in a court order; the FOC cannot enforce unofficial agreements between the parties.

3. **Processing Parenting Time Complaints.** Once the FOC receives the completed complaint, it will determine whether the allegations show a wrongful denial of court ordered parenting time. If the denial is determined to be wrongful, the complaint will be sent to the alleged violator and the FOC will request a written response. After the response is received, or if no response is received within 14 days, the FOC may:



- Determine that a violation did/did not occur, and whether the denial was wrongful.
  - Award make-up parenting time for wrongfully denied parenting time. If makeup parenting time is awarded, the make-up parenting time shall be of 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. Make-up parenting time shall take place within one year after the wrongfully denied parenting time was to have occurred. **The make-up parenting time shall be as directed by the FOC, and the date and time shall be chosen by the parent denied parenting time.** The wrongfully denied parent shall notify both the office of the friend of the court and the other parent in writing not less than 1 week before making use of makeup weekend/weekday parenting time, and not less than 28 days before making use of makeup holiday/summer parenting time. The custody and parenting time case manager shall keep an account of makeup parenting time determined in the manner described above. For more information, see generally MCL 552.642.
- 
- File a motion for an order to show cause for contempt, which will require the parties to appear for a hearing.
  - File a motion asking the court to modify the parenting time order to prevent similar denials.
  - Refer the dispute to mediation services to assist the parties in resolving the issue themselves
- 
4. **Referee Hearing.** If an award of makeup parenting time was made, and the Friend of the Court receives an objection to the same within 21 days from the party found to have wrongfully withheld parenting time, the matter shall be scheduled for a hearing with a domestic relations referee.

After a hearing before the referee the court may impose one, or all, of the following remedies:

- a. Restrictions, or modifications of, parenting time.
- b. Fines and costs assessed to the denying parent.
- c. Make-up parenting time to the aggrieved parent.
- d. Loss of an occupational and driver's license.
- e. In extreme cases, the court may consider jail for the denying parent, and/or changes to custody/parenting time.

## FREQUENTLY ASKED QUESTIONS/COMMON ISSUES

**Car Seats/Seat Belts.** Relevant laws regarding the use of approved infant seats, booster seats, or child car seats must be observed. The FOC does not inspect car seats, but may be able to direct you to community resources to assist you in obtaining, or installing, car seats.

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

**Clothing.** If you are the **custodial parent**, you must supply adequate clothing for parenting time and provide the other parent any information of necessary medication, fever, or possible illness. **BOTH PARENTS** are expected to send and return clothing in the same condition received.

**Communication.** Successful co-parenting means communicating with one another and putting the child's well-being first. Your child will benefit from consistent, healthy contact with you. In addition, parents should speak positively to a child about the other parent, or say nothing at all. Speaking negatively about the other parent accomplishes nothing. Please do not allow the child to hear you discussing the other parent unless the information is positive or complimentary.

**Consistent Routines/Continuity.** Maintaining consistent routines allows children to focus on play and exploration by minimizing changes to their day-to-day activity. It is important for parents to build on care-giving routines rather than create routines that compete, or conflict.

**Consistent Schedules.** Keep 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 and unpredictable contacts can lead to a sense of helplessness and distrust.

**Custody/Parenting Time Changes.** Do not promise the child you will obtain custody of him or her, and do not make predictions about the outcomes of court hearings. There may be several proceedings before there is a final court order.

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

**Gifts.** A child wants your time. Gifts and outings do not have to be expensive to make your child feel special. Consider your child's interests and unique talents when planning activities or celebrating special occasions.

**Grandparent "Visitation".** In general, a child's contact with grandparents is up to the child's parents. In some limited circumstances the court may order the child to spend time with grandparents. The FOC does not provide self-help forms for these sorts of proceedings. Grandparents seeking visitation should consult an attorney. The FOC will enforce the court's written order for grandparent's visitation.



**Keep The Kids Out Of The Middle.** Parents should **NEVER** use the child as a source of information about the other parent. This will only distress the child. Parents will discover a child who is forced to be in the middle may become skillful in playing one parent against the other. **Be careful not to see the child as an object, or treat the child as a possession to be won or divided.**

**Lice.** The FOC does not investigate an accusation of head or body lice. As soon as a problem is detected, the parent should treat the child, and the infestation. **The parents must cooperate fully in the child's treatment because THIS IS IN THE BEST INTEREST OF THE CHILD.**

**Neglect/Abuse Cases.** The FOC does not investigate neglect and/or abuse complaints. Information should be **immediately** reported to Child Protective Services (CPS) at the Department of Health and Human Services (DHHS) and a local law enforcement agency in the county where the child resides. Reports regarding abuse and/or neglect should be made to the Abuse/Neglect Centralized Intake at (855)444-3911. Laws provide for criminal charges, sanctions, and penalties for any intentional false statements made regarding child abuse and/or neglect.

**New Partners/Boyfriends/Girlfriends.** A common source of friction between parents is the introduction of a new partner, girlfriend, or boyfriend. Children often struggle enough adjusting to their parents' separate lives without the introduction of new acquaintances. Remember, **parenting time is for the parent and child.** Dating can be reserved for a time when the children are not around, and it may be best for these introductions to be delayed to a later date.

**Out-Of-State Travel.** Unless your order **specifically** prohibits it, either parent may take the minor child out-of-state for a vacation. **An order of domicile refers only to the legal residence of a child** being changed and does not apply to vacations. Parents must provide one another with a phone number and provide a general itinerary of where the child will be staying, and how to reach the child, or parent, in case an emergency arises during out-of-state vacations/parenting time.

**Parenting Styles.** Each parent has **his or her own individual parenting style.** However, **different does not mean wrong.** Avoid passing judgment upon the other parent for what he or she does with his or her time.

**Parenting Time Transfers.** Parenting time transfers are not the time to discuss adult issues, e.g., alimony, child support, and property settlements. Make transfers as stress free for the child(ren) as possible.

**Personal Protection Orders.** Personal protection orders should not be used to deny parenting time. It is your responsibility to inform the court of a custody/parenting time court order when seeking a Personal Protection Order. 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.

**Police.** The **ONLY TIME** police should be called is if the child or a party is in immediate danger. Calling the police for parenting time disputes is traumatic for the child and should be avoided unless absolutely necessary.

**Rights a parent DOES NOT Have.** You do not have the right to inspect the other parent's home. You do not have a right to a detailed account of where, and how parenting time will be exercised. You do not have a right to manage how the other parent *actually* parents. However, keep in mind that consistent rules of behavior between the parents will help the child learn to manage his or her expectations, and activities.

**School/Health Care Provider Information.** Schools, hospitals, physicians, etc., **MUST** provide information regarding the minor child to both parents **regardless** of which parent has legal custody, unless there is a court order prohibiting a parent from having access to such records. You do not have the right to demand this information **from the other parent**.

**Spare The Child.** Exercising parenting time should not be traumatic for the child and it is the responsibility of both parents to assure that it is not. Model a positive attitude and respect for one another.

**Step-Parents.** When a parent remarries, the new spouse will be involved in the child's life. Since the step-parent will be another caregiver for 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 positive communication between the parents**.

**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 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, and can lead to sadness and emotional trauma.

### **Above All Else**

Your child's well-being depends on both parents. Parents should always strive to treat one another with respect, consideration and goodwill.



# CO-PARENTING RULES TO LIVE BY

## Parents Should

Be respectful to one another.	Focus on the needs of the child.
Encourage a relationship between the child and the other parent.	Encourage regular contact between the child and the other parent, including contact by voice or video calls, text messaging, or e-mail.
Keep a consistent parenting time schedule so the child learns to rely on both parents.	Have the child ready for parenting time pick up and drop off, and make it a pleasant time for all.
Allow the child to bring important items to parenting time (e.g., clothes, blankets, toys, sports equipment).	Return important items with the child after parenting time. Sending a list and keeping a copy may help everyone to ensure items travel with the child.
Develop Co-Parenting consistency for the child's meals, homework, bedtime, and discipline.	Encourage relationships between the child the other parent's family (stepparents, stepsiblings, grandparents, aunts, and uncles).
Encourage the child to participate in the other parent's family celebrations and gatherings.	Notify one another as soon as possible of special occasions that may interfere with the other parent's regular parenting time, and suggest trading days/makeup parenting time.
Schedule vacations during your regular parenting time.	Inform one another of vacation travel dates, locations, return times, and contact info.
Consider the child's activities, such as sporting or club events, when planning vacations or other extended parenting time.	Make sure the child is in a safe environment at all times.

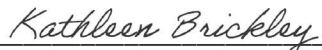
## Parents Should Not

Argue with one another when the child is present or may overhear.	Attempt to destroy the other parent's relationship with the child.
Make negative statements about one another or their family members.	Consume excessive amounts of alcohol or other mind-altering substances before or during parenting time.
Ask the child about the other parent's life.	Exercise parenting time inconsistently.
Make promises they cannot keep.	Be late for parenting time.
Pass messages to each other through the child.	Drop off the child early, or late, without consulting the other parent.


THE UNDERSIGNED HAVE APPROVED AND ADOPTED THESE PARENTING TIME GUIDELINES IN THEIR ENTIRETY FOR THE 36<sup>TH</sup> JUDICIAL COURT – FAMILY DIVISION, AND FOR DISTRIBUTION AND USE BY THE 36<sup>TH</sup> CIRCUIT’S FRIEND OF THE COURT OFFICE.

THE FRIEND OF THE COURT HAS THE AUTHORITY TO INTERPRET THESE GUIDELINES AND MAKE DETERMINATIONS FOR PURPOSES OF THE ENFORCEMENT OF PARENTING TIME ORDERS BASED UPON THESE GUIDELINES.

Date: 6/30/22

  
Kathleen M. Brickley, P41930  
Chief Judge, 36<sup>th</sup> Judicial Circuit Court  
Van Buren County, Michigan

Date: 06/29/2022

  
Jeffrey J. Dufon, P45292  
Presiding Judge, 36<sup>th</sup> Judicial Circuit Court –  
Family Division  
Van Buren County, Michigan

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