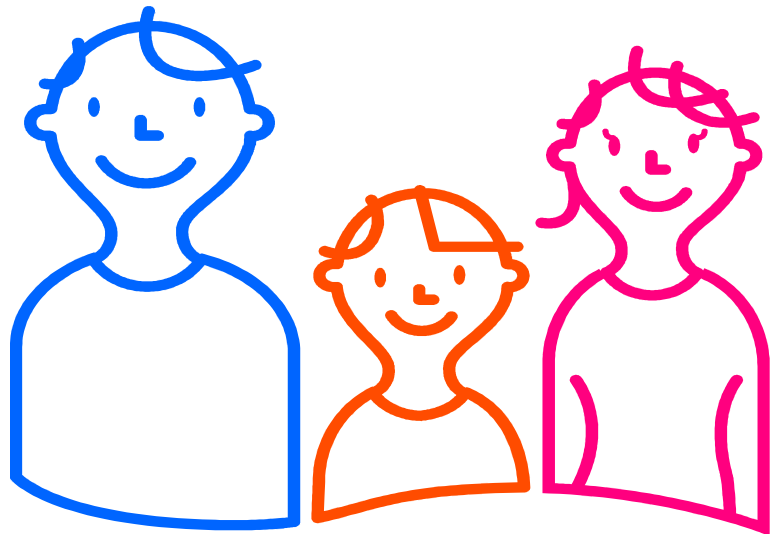


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# The Friend of the Court



State of Michigan  
Fortieth Judicial Circuit  
Lapeer County

Revised: May 2010

LAPEER COUNTY  
FRIEND OF THE COURT  
PARENTING TIME POLICY

Revised: May 2010

Friend of the Court  
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## Table of Contents

PARENTING TIME POLICY .....	1
REASONABLE PARENTING TIME .....	1
PARENTING TIME SCHEDULE .....	1
Child(ren) three (3) years old and under: .....	1
Child(ren) four (4) years old and over: .....	2
HOLIDAY SCHEDULE .....	2
Odd numbered years for Mother: .....	2
Odd numbered years for Father: .....	3
Even numbered years for Mother: .....	3
Even numbered years for Father: .....	3
Hours for Holidays: .....	3
Child(ren)'s Birthdays: .....	4
Mother's Day: .....	4
Father's Day: .....	4
PERIODS OF EXTENDED PARENTING TIME .....	4
Summer Break from School: .....	4
Christmas Break from School: .....	4
Spring Break from School: .....	5
Out-of-State Vacation: .....	5
LONG DISTANCE PARENTING TIME POLICY .....	5
EXCUSES THAT ARE NOT VALID REASONS FOR DENYING PARENTING TIME PERIODS .....	6
PARENTING TIME REMEDY STEPS .....	7
FOC CAN REFUSE TO ENFORCE PARENTING TIME .....	8
GRANDPARENT VISITATION .....	9
NEGLECT AND ABUSE CASES .....	9
FALSE ACCUSATIONS .....	9
CALLING THE POLICE .....	9
FOR YOUR INFORMATION .....	9

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## PARENTING TIME POLICY

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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. Otherwise, the Friend of the Court will enforce this parenting time schedule.

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.

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 Lapeer County Friend of the Court.**

**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 **MUST FOLLOW** the orders of the Court.

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## REASONABLE PARENTING TIME

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

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

In a family where the oldest child is under the age of four (4), 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. These three (3) one (1) week periods qualify for child support abatement if there is such a provision in the current child support order. The non-custodial parent will give the custodial parent thirty (30) days advance notice of the intent to exercise this parenting time; and
- ❖ See Holiday Schedule listed below.

#### **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 10:00 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;
- ❖ 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
- ❖ See 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:** Birthdays, regardless of age, 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 9:00 p.m. If a birthday

falls on a holiday (see page 3), the holiday takes precedence over the birthday. Parenting time shall include all siblings.

**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.

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## PERIODS OF EXTENDED PARENTING TIME

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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 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 **no later** than May 1st of each year.

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

- ❖ In **odd** numbered years, the Father will have the first half 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 half 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 half 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 half 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 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:**

- ❖ 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.
- ❖ 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.

Note: The midweek and weekend parenting time is suspended during spring break from school. The previously established alternate weekend rotation will resume after the conclusion of 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.

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### **LONG DISTANCE PARENTING TIME POLICY**

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[Travel distance of over 100 miles one way for the child(ren).]

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 sign a stipulation.

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) has failed, the following mandated schedule will be implemented:

- ❖ The non-custodial parent will have Christmas school vacation in **even** numbered years;

- ❖ The non-custodial parent will have Spring school vacation in **odd** numbered years;
- ❖ The non-custodial parent will have the first half of summer vacation in **even** numbered years and the second half of summer vacation in **odd** numbered years. Summer school necessary for the child(ren) to pass to the next grade must be attended. 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, spring, and summer parenting time will be shared equally when the child(ren) has moved from the Lapeer County area;
- ❖ Responsibility for transportation costs for Christmas, spring, and summer parenting time will be the sole responsibility of the non-custodial parent when the non-custodial parent has moved from the Lapeer County area;
- ❖ Additional parenting time 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, 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; and
- ❖ 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.

The following excuses are **NOT VALID** reasons for denying parenting time periods:

- ❖ 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.
- ❖ 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.

### **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.

**An attempt must be made to pick-up the child(ren) regardless of threats to deny the parenting time.**

- Step 1)** The complaining parent attempts to resolve the issues directly with the other parent either by telephone or in writing. **At all times, the communication should be a sincere, cooperative effort keeping in mind the best interest of the child(ren). Treat the other parent as you would like to be treated.** A complete written description of the attempt or a copy of the correspondence must be submitted to the Friend of the Court office. "We cannot talk to each other", is not an acceptable excuse for avoiding contact with the other parent.
- Step 2)** 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). It is offered monthly and both parties are encouraged to attend. Sometimes parties are ordered to attend. The Court encourages and recommends that stepparents, and any significant others attend this program for the benefit of the child(ren). For more information, call the Friend of the Court office at (810) 667-0377.
- Step 3)** If Court ordered parenting time is denied, a **WRITTEN COMPLAINT** must be filed with the Friend of the Court.
- a. **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.**
  - b. **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 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.

**Step 4)** Dispute resolution 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 dispute resolution. If an agreement is reached, an order will be prepared.

**Step 5)** 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. This authority is one more recognition that the best interests of the children are paramount.**

**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 nor expertise to handle neglect and abuse cases.

**Information should be immediately reported to Protective Services at the Family Independence Agency (FIA) and a local law enforcement agency in the county where the child(ren) reside(s).** The Friend of the Court may not enforce the parenting time order during a Protective Services Investigation upon the recommendation of the FIA worker. If parenting time is withheld pending investigation, you must sign a release at the FIA to have information sent to the Friend of the Court.

**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. Make-up parenting time is available. **Minimize the tension and conflict to which the child(ren) is exposed.**

#### **FOR YOUR INFORMATION:**

- ❖ 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 school vacation and the spring school break.
- ❖ If the non-custodial parent is unable to exercise their parenting time due to out-of-town business or incarceration, etc., parenting time shall resume according to the normal rotation upon their return or release. However, a third party cannot exercise parenting time unless agreed to by both parties in writing.
- ❖ During any period of extended parenting time, the holiday schedule continues as specified.

- ❖ Summer school 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.
- ❖ A written general itinerary and emergency telephone number will be provided to the other parent if an out-of-town vacation is planned.
- ❖ For purposes of implementing a child support abatement to the non-custodial parent for those periods of extended parenting time, any parenting time exercised by the custodial parent does not interrupt the calculation for the number of overnight periods the child(ren) spend with the non-custodial parent. For example, Christmas break is calculated from the day school recesses until the day before school resumes.
- ❖ 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.
- ❖ 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 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.