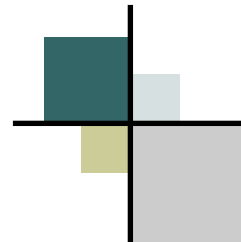
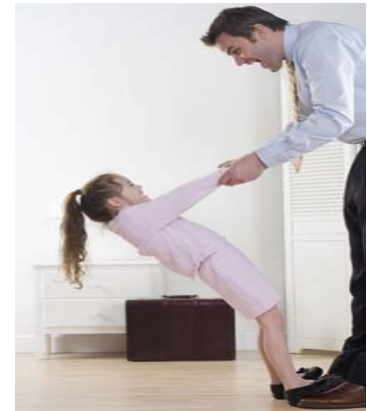

Jackson County Friend of the Court

Mission Statement...

The Jackson County Friend of the Court will enthusiastically and fairly perform its statutorily mandated investigative enforcement, mediation, referee, accounting, and administrative duties with a customer-friendly approach, and with the “best interests of the children” being at the forefront of everything it does.

Parenting Time Handbook



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Table of Contents

Notes

What is parenting time?	4
Communication/Cooperation	5
Being late for parenting time	5

Parenting Time Guidelines

A. Children as messengers	7
B. Following the schedule	7
C. Clothing	7
D. Arguments	8
E. Drugs/alcohol	8
F. Driver's license	8
G. Child in the middle	8
H. Leaving children with others	9
I. Support and gifts	9
J. Just for the fun of it	9
K. Support v. Parenting Time	9
L. Discipline	10
M. Working together	10
N. Loving parents	10
O. Returning items	10
P. Medications	10
Q. Summer time notification	10
R. Summer weeks	11
S. Transportation	11
T. Travel plans	11
U. Third parties	11
V. Holidays and vacation	11
W. Hair cuts and ear piercing	11

Notes

Table of Contents

X. More clothing 12
Y. Abuse and neglect 12
Z. Modification of parenting 12

Reasonable Rights of Parenting Time

Weekends 13
Midweek 13
Spring Vacation 13
Holidays 14
Father’s Day/Mother’s Day 15
Summer 15

Makeup parenting time 16
Enforcing parenting Time 16
Denied parenting Time 17
Violation of parenting time 18
Invalid reasons to deny. 19
Valid reason to deny 20
Reason complaints are denied 21

Parenting Time

Parenting time is the right of a child or children to spend specified time with each parent. In some cases, parenting time may also be granted to people other than parents. The purpose of this list of policy statements is to ensure that parenting time will always be conducted with the best interests of the child or children coming first.

Some court orders provide for “Reasonable Rights of Parenting Time”. This allows the parents the flexibility of working out schedules as they might agree. However, if there is disagreement by the parents as to the actual intent of “Reasonable Rights of Parenting Time”, then the parents need to refer to the minimum definition of this schedule as provided in the Friend of the Court (FOC) office (*see Reasonable Rights section in this document*).

Parenting time is typically designated in court orders after all aspects of a case have been reviewed. Consideration is given to the age, maturity and needs of the child, length of time between parenting times, relationship between the child and the parent, physical distance between the parties, and any other relevant issues. In the event of conflicts with the parenting time schedule, it will be necessary to inform the Friend of the Court of the dispute, in writing.



Reasons Complaints Are Denied

1. No court order exists that allows for parenting time. A party cannot file a complaint with the Friend of the Court, unless the court has granted them parenting time rights with their child or children.
2. The complaint is not filed in a timely manner. If the alleged parenting time order violation occurred more than 56 days before the complaint is submitted, enforcement action will not be taken by the Friend of the Court. The party can, however, file a motion on their own or through an attorney if they choose to do so.
3. The party exercising parenting time did not make a physical attempt to pick up the child or children.
4. If there has been a voluntary and extended period of separation between a non-custodial parent and the child or children, especially if the child or children are really young, the Friend of the Court may decide that it is not appropriate to enforce a parenting time complaint. As opposed to requesting enforcement, the Friend of the Court would expect the non-custodial parent to work with the other parent to develop a mutually agreed upon schedule that will allow for a smooth transition and reintroduction period. This is in the best interests of the child or children.



The following represent examples of times that denial of parenting time **MAY BE** appropriate:

1. The parent arrives to pick up the child for parenting time and has been drinking excessively, or is under the influence of drugs.
2. The parent arrives to pick up the child for parenting time more than one half hour (30 minutes) late from the specified time, or one hour (60 minutes) late during the winter months (November, December, January, February, March) in those cases where the parent receiving parenting time must travel more than 30 miles to pick up the child. In those cases where the parent with parenting time must travel more than 100 miles, they shall be afforded the opportunity of being up to one hour late, regardless of the time of year.

****Please remember, the visiting parent has an obligation to return the child or children on time after each visit.****



Some court orders provide for very specific parenting time schedules. A fixed schedule will not afford the parties any flexibility. Due to high emotional conflict in some cases, this type of parenting time schedule may be the best arrangement for the minor child or children.



Communication, cooperation, and mutual respect are essential for parents to make a parenting time schedule work and to avoid conflict and frustration. Parenting time should be a happy time for parents and the child or children.

Parenting time should be scheduled at times and places convenient and agreed to by both parties, or as outlined in the court order. Children should be ready, both physically and emotionally, at the appointed times. Parents should be on time to commence the parenting time schedule. If a parent is one half hour (30 minutes) late from the specified time, or one hour (60 minutes) late during the winter months (November, December, January, February, March) for those parents traveling more than 30 miles, parenting time may be denied unless prior arrangements have been made with the other parent. In those cases where the parent with parenting time must travel more than 100 miles, they shall be afforded the opportunity of being up to one hour late, regardless of the time of year. However, it is very important that parents work with each other around requested adjustments to parenting time schedules.



Each parent will undoubtedly have schedule conflicts at some point in time, therefore, it is important to work with each other as soon as a conflict occurs.



Telephone contact should be made with the other parent the moment a schedule conflict has arisen. Parents should never leave a child waiting for a scheduled parenting time without notifying them of the fact that the parent may

be late, or have to change the schedule date or time.

Parents are encouraged to maintain access between the children and grandparents as often as is reasonable. Although there is usually no provisions for this contact in your court orders, it clearly benefits children to maintain such contact with the family.



*Sometimes our
grandpas and
grandmas are like
grand-angels*

.....Lexie Saige

A parent committed to jail may be released, if the Court has reasonable cause to believe that the parent will comply with the Parenting Time Order.

In keeping with the child's best interest, the court may do its own motion to change custody of the child or children.

Parenting time is every child's right. Responsible parents will put individual differences aside to see to it that parenting time is encouraged.

The following examples are arguments that are **NOT VALID** for denial of parenting time:

1. The child is sick. The only time illness is valid for a denial of parenting time is when a medical doctor has indicated that the child is restricted to bed rest only. In all other cases of illness, the prescribed medications are to be provided to the parent who will be having parenting time with the child, along with appropriate instructions from the doctor.
2. The child had to go somewhere else.
3. The child was not home.
4. The child didn't want to go.
5. The custodial parent did not want the child to go.
6. The weather is bad.
7. The child did not have appropriate clothing.
8. The child had better things to do.



Parenting Time Guidelines



The following rules apply to all parents involved with parenting time schedules:

A. Parents should not use the child or children as sources of information. This can be emotionally upsetting to the children, and it can create major problems between the parents. Children often learn to play one parent against the other, which then causes the parents to face periods of great conflict. Communication between the parents can often overcome these types of problems and stop unfavorable behavior on the part of the child.

B. Parenting schedules should be closely followed. Make certain that you are following your parenting schedule closely. It is important for parents to show consideration for each other and for the children. Maintain the agreed upon parenting times, unless prior arrangements have been agreed upon between the parents.

C. Children should be prepared for a scheduled visitation. Make certain that appropriate clothing is provided for the entire period. If a child is ill, make certain that medications are provided, along with a written statement as to what medication is to be taken, in what quantities, and at what schedule. If other restrictions have been given by the child's doctor, those should also be passed on to the other parent at the time of the child's transfer. Consequently, if a child becomes ill during a scheduled parenting time, make certain the other parent is informed of the illness, and what medical actions may have been taken. Remember to return all clothing, medications, especially prescription medications that are sent with the child.

If the Friend of the Court determines, at any step, that additional legal action is required, they may commence a civil contempt proceeding to resolve a parenting time dispute by initiating a Parenting Time Order to Show Cause proceeding against the parent who has been accused of denying the court ordered parenting time. For practical reasons, this remedy is often used, instead of the Makeup Parenting Time Policy. As indicated below, makeup parenting time can be ordered, during a show cause proceeding.

If the Court finds that either parent has violated a Parenting Time Order, the Court may find that parent in contempt, and may do one or more of the following:

1. Require additional terms and conditions consistent with the Court's Order for Parenting Time.
2. Modify the Parenting Time Order in keeping with the best interests of the minor child or children.
3. Order make-up parenting time for the parent who was wrong fully denied their scheduled parenting time.
4. Order the parent found in contempt, to pay a fine of not more than \$100.00.
5. Commit the parent found in contempt to a term in the County jail.
6. Commit the parent found in contempt to a term in the County jail, with the privilege of leaving the jail, during such hours as the court determines, and under such supervision as the Court considers necessary, for purpose of allowing the parent to go to and from his or her place of employment only.

A commitment under subsection (5) or (6) shall not exceed 45 days for first finding of contempt, or 90 days for any subsequent finding of contempt.



D. If the parents are simply unable to communicate at all, they should avoid physical contact at all costs. It may be necessary for a parent to wait in the car when the child or children are being picked up or returned. Parents should never have confrontations or arguments in front of the child or children.

E. Parents, or anyone transporting a child, should never arrive for a scheduled parenting time under the influence of drugs or alcohol. This requirement is for your safety and for the safety of your children. If a parent appears to be “under the influence” at the time of the parenting time pick-up, parenting time may be denied by the other parent. If denial occurs under these circumstances, it is important that the parent denying the parenting time inform the Friend of the Court of this action immediately, in writing, listing the dates, times and circumstances of the denial.

F. If you do not have an active driver’s license, someone else must do the driving. Both parents need to understand that there are circumstances that might require someone else to pick up the child for the parenting time visit. This person should be someone known by the child.

G. It is very important to keep your child or children out of the middle of any potential custody or parenting time dispute. These are adult issues, and should never be discussed with the children. Children should never be threatened with loss of time with the other parent, under any circumstances.



If denied parenting time is alleged and the Friend of the Court applies the Makeup Parenting Time Policy, should be taken, the following steps will occur. The Friend of the Court will give to the parent who is alleged to have denied the parenting time, a notice which will contain the following statement in boldface type of not less than a 12 font size: **FAILURE TO RESPOND TO THE FRIEND OF THE COURT WITHIN 7 DAYS SHALL BE CONSIDERED AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED, AND THE FRIEND OF THE COURT WILL TAKE OTHER ENFORCEMENT ACTION.**

If the parent who is alleged to have denied parenting time makes a timely reply, contesting the allegation of parenting time denial, both parties may be required appear at the Friend of the Court or for mediation regarding parenting time issues with designated Friend of the Court personnel or designated agency. If this conference does not resolve the parenting time dispute, a hearing or contempt Show Cause action may be scheduled, with appropriate notice being forwarded to both parties or make up parenting time may be applied.

If a hearing is held before a referee, either party shall be entitled to a de novo hearing before a Family Court Judge, if they dispute the referee’s findings an objection must be filed with the Court Clerk with a copy sent to the FOC. The court will set a hearing and enter an order, The parent who will receive the make-up parenting time, shall give the Friend of the Court, and the other parent, a written notice of the selected time for make-up parenting time, at least one (1) week before a weekday or weekend make-up period, and at least 30 days before a make-up holiday or summer parenting time period.



Make-Up Parenting Time Complaint Process

The family Court strongly believes that it is important for the child or children to have a good relationship with both parents, and has therefore adopted a Makeup Parenting Time Policy.

Before make-up parenting time is applied in a particular case, the Office of the Friend of the Court shall send a notice to both parties, by ordinary mail, to each parent's last known address, advising them that the policy may be applied to their case.

Make-up parenting time shall be the same type and duration 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, week day parenting time for weekday parenting time.

Make-up parenting time shall be taken within one (1) year after the parenting time was wrongfully denied. The time of the make-up parenting time shall be chosen by the parent whose parenting time was denied.

The parent being denied parenting time shall give a written notice of an alleged , denial of parenting time to the Friend of the Court within 56 days of the alleged denial.



H. Spend your parenting time with your child. Far too often, children are taken for parenting time visits, and then left with babysitters, relatives, girlfriends, boyfriends or even strangers. The child or children needs time with you. Regular parenting time cannot be stressed enough.

I. If you have a responsibility for child support payments, make sure that they are always current before buying your child expensive gifts. Additionally, it is not appropriate for either parent to deny a child the right to receive gifts from the other parent, or other family members.

J. Parents are encouraged to do quiet and casual activities with your child. Popping popcorn and watching a movie on television can often be a very positive experience for the children and the parent. Never feel obligated to make your parenting time a constant round of movies, ball games, trips to restaurants, the circus or other expensive events. Remember, your child simply wants time with you. Please give it.

K. Neither parent has the right to stop paying child support because parenting time is being denied, nor to stop parenting time because child support is not being paid. These are two distinctly different issues, and are not linked together in any way. **CHILD SUPPORT AND PARENTING TIME ARE NOT DEPENDENT UPON EACH OTHER.** If you have problems with child support or parenting time, contact the Friend of the Court for assistance. Never take actions against the other parent that violates your Court order or negatively impacts your child or children.



L. Both parents need to work together regarding decisions surrounding discipline. Do not allow children to play one parent against the other when discipline is being assigned to a child or children.

M. Always work together, toward the emotional well being, health, happiness and safety of your child or children. To do otherwise could potentially have negative effects on your child or children's emotional development and health.

N. Never discuss your perceived shortcomings of the other parent in front of the children. Remember that a child can best develop properly with an image of two loving parents.

O. Make certain you have returned all items the child or children took with them on the parenting time visit.

P. Make certain your child is given all medications at the appropriate times.



Q. Notification as to which weeks of summer parenting times have been chosen must be made in writing, by April 15th, of the calendar year during which the parenting times will be conducted, unless your Court order states otherwise. A copy of this notification shall also be sent to the Friend of the Court Office.

- All holidays shall be from 9:00 a.m. until 8:00 p.m. except for Halloween and the children's birthday, which should be 9:00 a.m. until 9:00 p.m., when Halloween or the children's birthday falls on a weekend day, (Saturday or Sunday) or during summer vacation. When Halloween or the child's birthday is on a weekday (Monday—Friday), the parties will have the minor child from immediately after work and/or school, until 8:00 p.m.
- The Thanksgiving Holiday will always be a four-day weekend from Thursday through Sunday.
- Mother's Day shall be afforded to the mother, each and every year, between the hours of 9:00 a.m. and 8:00 p.m.
- Father's Day shall be afforded to the father, each and every year, between the hours of 9:00 a.m. and 8:00 p.m.
- The non-custodial parent should have four weeks of summer vacation, to be taken in two, two week blocks, with a minimum of one full week, in between these two week blocks. However, your court order prevails when specifically spelled out in that order. Alternating weekends and mid week visits are held in abeyance for these blocks of time, but resumption of these times being at the end of summer vacation blocks. Any other times that might be mutually agreeable between the parties.
- In general, in order to claim a denial, the visiting parent must make a physical attempt to pick up the children.



- **Every other Holiday to include:**

Mother (Even Numbered Years)

New Year's Day
Memorial Day
Labor Day
Halloween
Christmas Eve

Mother (Odd Numbered Years)

Easter
Fourth of July
Thanksgiving
Christmas Day
Child's Birthday

Father (Even Numbered Years)

Easter
Fourth of July
Thanksgiving
Christmas Day
Child's Birthday

Father (Odd Numbered Years)

New Year's Day
Memorial Day
Labor Day
Halloween
Christmas Eve

R. It is recommended that each parent be afforded at least two weeks of unencumbered parenting time with the minor child or children, each summer. During any other parenting time in excess of two weeks duration, the parent not having the minor child or children shall be afforded alternating weekend parenting time, between 6:00 p.m. on Friday and 6:00 p.m. on Sunday. If your court order specifically provides for a different schedule, your court order prevails.

S. The Transportation of the child or children during the parenting time shall be the responsibility of both parents. However, if the parties are unable to agree as to the transportation arrangements for the minor child or children, then, the non-custodial parent exercising their parenting time will initiate the pick up and return of the child or children.

T. A general itinerary and emergency telephone number must be provided to the other parent if an out-of-town vacation is conducted.

U. The parent exercising their parenting time may designate a third party to transport the child or children, so long as the person is known to the child or children.

V. In all circumstances, holiday and school vacation parenting time shall take priority over other periods of custody or parenting time.

W. Children's hair cuts and piercing of ears for earrings is the responsibility of the custodial parent only, unless otherwise agreed to by the respective parents.

X. Before a child or children leaves for a scheduled parenting time, please make certain that appropriate clothing is provided for the entire period. This may include winter coats, mittens, hats raincoats, etc..., depending on the weather. This clothing should be returned in as good, or better condition than what it was in when it was sent. The visiting parent is also encouraged to maintain some of their own clothing for the child or children.

Y. Allegations of abuse, neglect, alcohol and drug involvement or anything else of a detrimental nature to the child or children should be immediately made to the Department of Human Services Children's Protective Services (CPS), department in your area, or to your local police department. ***The FOC is not authorized to investigate abuse and neglect issues.***

Z. Either parent may petition the Court to establish and/or modify a parenting time schedule at any time, if they feel such an adjustment would be in the best interests of the minor child or children.



Reasonable Rights of Parenting Time

Reasonable Rights of Parenting Time is defined by the Jackson County Friend of the Court, as follows:

- Every other weekend, from Friday night at 6:00 p.m. until Sunday night at 6:00 p.m.
- Midweek Parenting time from immediately after work and/or school until 8:00 p.m., each and every week, except those weeks that are designated to the other parent.
- Every other Spring vacation, with the mother having even numbered years, and the father having odd numbered years.
- This parenting time shall commence at 6:00 p.m. on the last day of school, and end at 6:00 p.m. on the day prior to the child's commencement of school, following Spring vacation.

