

PARENTING TIME FAQ SHEET

THE OTHER PARTY IS NOT ALLOWING PARENTING TIME LIKE IT SAYS IN THE ORDER. WHAT CAN I DO?

File a written complaint within 56 days of the alleged violation with the Friend of the Court. Your complaint must specify the date and time when parenting time was attempted and denied with any details. If the Friend of the Court believes the parenting time order may have been violated, it shall start enforcement action. If this complaint results in a show cause hearing, **you must appear as the complaining party or the matter will be dismissed.**

I AM CONCERNED THAT MY CHILD(REN) ARE BEING ABUSED WHEN WITH THE OTHER PARENT. WHAT SHOULD I DO?

Report your concerns to the Protective Services Unit of the Family Independence Agency or your local law enforcement agency. You may also wish to provide, in writing, to your Friend of the Court Office a copy of your concerns so that they may be made a part of your file. The Friend of the Court Office does not have the authority to investigate and remove children from the home in abuse or neglect matters. This is done by Protective Services through an action filed in the Family Court division.

MY CHILD DOES NOT WANT TO ENGAGE IN PARENTING TIME WITH THE OTHER PARENT. WHAT CAN I DO?

Parents are to obey court orders, regardless of the child's age. It is the parent's responsibility to promote a positive relationship with the child and the other parent and to make sure the children are prepared physically and emotionally for their parenting time with the other parent. You may want to try the following options:

1. Contact the Friend of the Court and request mediation or seek professional counseling.
2. File a motion with the court asking for a change in your parenting time order.
3. Work out a different arrangement with the other parent, however agreements between parties outside the Court order are not enforceable by the Friend of the Court.

CHILD SUPPORT PAYMENTS ARE NOT BEING MADE. DO I HAVE TO ALLOW PARENTING TIME?

Yes. Parenting time and support are separate parts of a court order with separate enforcement procedures.

IT APPEARS THAT THE OTHER PARENT HAS BEEN DRINKING OR USING DRUGS. DO I HAVE TO LET THE CHILDREN GO?

It is your duty as a parent to protect your child. If you choose to act contrary to the court order in such a situation by withholding the children, you may have to explain to the court, at a "show cause" hearing, why you should not be held in contempt for your decision.

THE OTHER PARENT REFUSES TO SEE OUR CHILDREN. WHAT CAN THE FRIEND OF THE COURT DO?

The Friend of the Court cannot force a parent to engage in parenting time with his/her children. It is the parent's duty to promote a positive relationship with the children and the other parent. Your options include: counseling, mediation, and filing a petition for change of the parenting time order.

I HAVE A SPECIFIC PARENTING TIME SCHEDULE THAT I WOULD LIKE TO CHANGE. WHAT CAN I DO?

Modify your Court order by the following:

1. Pro Per Motion if your case applies (see instructions in Pro Per packet)
2. Voluntary Mediation if agreeable by the parties. Forms to request voluntary mediation are available from the Friend of the Court. There is no charge for voluntary mediation services from the Friend of the Court.
3. Agreement between parties. An agreement between parties without a court order is not enforceable.
4. Contact an attorney.

MY PARENTING TIME ORDER STATES I HAVE "REASONABLE VISITATION RIGHTS OR REASONABLE PARENTING TIME." WHAT DOES THIS MEAN?

Reasonable parenting time means that the Court believes that parenting time should occur. "Reasonable" parenting time is not specific enough to be enforced by the Friend of the Court.

MY PARENTING TIME ORDER STATES I HAVE PARENTING TIME "AT ALL TIMES AND PLACES TO WHICH THE PARTIES MUTUALLY AGREE". WHAT DOES THIS MEAN?

This means that, unless the time and place are agreeable to both parties, parenting time is not ordered. If you cannot mutually agree to a visitation schedule, you have the following options:

Contact the other party to see if he or she will agree to mediation.

File a Pro Per Motion for specific parenting time if your case qualifies or contact an attorney to help you file the motion.

This provision is unenforceable by the Friend of the Court, but could possibly be modified by using a pro per packet or consulting with an attorney of your choice.

THE MICHIGAN PARENTING TIME GUIDELINES ARE AVAILABLE ONLINE AT:

www.courts.michigan.gov/SCAO/resources/publications/manuals and
www.calhouncountymi.gov/foc/publications

The purpose of this document is to provide you with general answers to frequently asked questions. It is not intended as either legal advice or to be all inclusive. Legal questions should be directed to an attorney of your choice.