

# OAKLAND COUNTY FRIEND OF THE COURT

## PARENTING TIME GUIDELINES

*This document reflects the information the Friend of the Court relies upon when resolving parenting time disputes between parents. If anything in this document conflicts with a court order, the court order always controls.*

**SPECIFIC COURT ORDER** - Parents must always follow the specific days and times outlined in their Court Order regarding parenting time, holidays, and vacations unless they mutually agree otherwise. However, even if the parents reach a mutual agreement, the FOC cannot enforce the agreement unless it has been reduced to a written court order. (See "Entering an Agreement.") Disputes may arise when there is a lack of specificity, which limits enforceability. For example: "**Liberal or Reasonable Rights**" to parenting time allows parents to develop their own parenting time schedules and assumes parents will cooperate with each other and agree on a schedule for their child(ren). Parents should take into account their child's age, school schedule, the parents' work schedules, and the distances between the two homes. Such an arrangement may include one (non-overnight) midweek contact, every other weekend and alternating holidays. Because an order for reasonable parenting time is nonspecific and assumes parents will agree upon the terms and schedule of parenting time, **the Friend of the Court cannot enforce "liberal or reasonable parenting time."** Therefore at the request of either parent, the Friend of the Court can schedule a joint meeting, draft a consent agreement, offer mediation services, or provide forms to request a modification of the court order.

**ENTERING AN AGREEMENT** - If parents agree to change their custody or parenting time orders and wish it to be enforceable, they should check with the assigned Custody and Parenting Time Specialist before finalizing their agreement in writing. The agreement should include the case/docket number, both parent's contact information, the minor child(ren)'s names(s) and birth dates(s), and the date the arrangements' effective date. The agreement must be co-signed and notarized. Once the agreement is sent to the Friend of the Court, the assigned Custody and Parenting Time Specialist will prepare a formal consent order that will be filed with the court. Upon entry, the agreement will be an enforceable order that both parents must follow.

**ALTERNATIVE DISPUTE RESOLUTION** – The Friend of the Court offers Alternative Dispute Resolution (ADR) services for parents who are unable to come to an agreement, but would like to use the services of a third party in an attempt to resolve their issues without going to court. Any parent with a custody or parenting time dispute may contact his or her assigned Custody and Parenting Time Specialist for ADR. ADR services include scheduling a joint meeting between the parents and the Custody and Parenting Time Specialist, or referring the parents to the Oakland Mediation Center.

**FILING A MOTION** - When parents cannot reach a satisfactory agreement about what "liberal" or "reasonable" rights of parenting time means, they may file a motion with the court asking for a specific parenting time order. This can be done through an attorney or by a parent using forms provided by the Friend of the Court. If a parent chooses to represent himself or herself, the parent may file a motion to change parenting time at the Friend of the Court (FOC) or at the Circuit Court. A motion form and instructions for requesting a FOC referee hearing may be obtained from the Friend of Court through the mail, at the front desk, or online at: [www.oakgov.com/foc](http://www.oakgov.com/foc). Parents representing themselves and filing their own Circuit Court motions may wish to research the law in this area at the law library adjacent to the Oakland County Courthouse. However, county employees may not give any legal advice. Additionally, the Michigan Parenting Time Guidelines is published on the State Court Administrative Office's website, which is an excellent resource. Please see: [http://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/pt\\_gdlns.pdf](http://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/pt_gdlns.pdf) .

### **DENIALS OF PARENTING TIME**

- **WRITTEN COMPLAINT** - If parents do not agree to make-up parenting time, the parent who was denied parenting time *must put the complaint in writing* to receive assistance from the Friend of the Court. The complaint should contain the date(s) and time(s) when parenting time was denied and a brief description of the circumstances. The complaint should be submitted as soon as possible, but no later than fifty-six (56) days after the violation. If a denial complaint is filed fifty-six (56) days after a violation, the Friend of the Court has discretion to decline enforcement action. A Parenting Time Complaint form is available online at: [www.oakgov.com/courts/foc/Documents/forms1/ptcmplt2.pdf](http://www.oakgov.com/courts/foc/Documents/forms1/ptcmplt2.pdf) .
- **DISPUTE PROCEDURE** - The assigned Custody and Parenting Time Specialist will review all complaints, verify if it is valid, and respond according to the statute. Valid complaints will be forwarded to the other parent

within fourteen (14) days of receipt. The other parent will have twenty-one (21) days to respond. If the Custody and Parenting Time Specialist determines that a denial has taken place, the Make-Up Parenting Policy will be applied by: Scheduling mediation; Holding a joint meeting; Initiating a contempt of court action, which is known as an "Order to Show Cause" (OSC); or request that the Court modify the parenting time order. Typically, the FOC only requests modification when it is clear the existing order is not appropriate for the parties or the child, and the parties do not have the ability or opportunity to modify the order on their own.

- **UNWARRANTED COMPLAINTS** - Unwarranted complaints may result in the assessment of costs, and two (2) or more unwarranted complaints may result in the Friend of the Court declining to proceed with any enforcement action.
- **WITHHOLDING PARENTING TIME OR SUPPORT** - Withholding parenting time due to non-payment of support is not allowed. Child Support and parenting time are two separate issues. Support should not be withheld because parenting time is not taking place. A parent who fails to follow the orders of the court risks enforcement action up to and including a contempt of court action with potential sanctions.
- **CHILD'S REFUSAL** - If a child is reluctant to participate in parenting time, each parent is responsible to ensure the child complies with the scheduled parenting time. In no event shall a child be allowed to make the decision as to whether scheduled parenting time takes place. A child may not legally determine where he or she wants to live until the age of eighteen (18).

### **MAKE-UP PARENTING TIME**

- **TYPE AND DURATION** - Make-up parenting time shall be of the same type and duration as the parenting time denied (e.g. weekend for weekend or holiday for holiday).
- **LIMITATION** - Make-up parenting time must be taken within one (1) year of the denied time.
- **DETERMINATION** - The wrongfully denied parent shall choose the date of the make-up parenting time.
- **NOTICE** - The wrongfully denied parent shall notify both the Friend of the Court and the other parent in writing of the intended make-up parenting time not less than one (1) week prior to the use of the weekday or weekend parenting time, and not less than twenty-eight (28) days before a holiday or summer/extended parenting time.
- **REMEDIES** - If mediation or a joint meeting does not successfully resolve the parenting time dispute, the Friend of the Court may take enforcement action or file a motion to change parenting time.

### **RESIDENCE AND DOMICILE CHANGES**

- **CHANGE OF RESIDENCE** - A parent may not change a child's legal "residence" by more than 100 miles without the other parent's consent or the permission of the court. This rule does not apply if the order governing the child's custody grants sole legal custody to one of the parents, but the moving parent must still provide notice to the Friend of the Court.
- **CHANGE OF DOMICILE** - On the other hand, all out-of-state moves that change a child's "domicile" must be approved by the court regardless of distance.

### **PARENTING TIME IN FOREIGN COUNTRIES**

- **LIMITATIONS** – All court orders for parenting time entered after January 9, 2013 must include a provision stating parenting time shall not be exercised in a country that is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction unless both parents provide the court with written consent to allow a parent to exercise parenting time in such a country.
- **INFORMATION** - To obtain information regarding International Parental Child Abduction and the names of the countries that are parties to the 1980 Hague Convention regarding international child abduction, please see: <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction.html>.

### **ABUSE & NEGLECT**

- **REPORTING** - If you believe your child was or is being abused or neglected, contact the Children's Protective Services' twenty-four (24) hour hotline: **855-444-3911**.
- **NO FOC AUTHORITY** - The Friend of the Court does not have the authority to investigate abuse, neglect, moral, or child welfare complaints/concerns.