

## QUESTIONS AND ANSWERS REGARDING PARENTING TIME

### 1. *What if my Court order does not address parenting time?*

If your court order or judgment does not set forth parenting time provisions, either party may file a motion to establish parenting time, which will be referred to the Ingham County Friend of the Court for a recommendation to the court. Assistance in preparing motions for, or objections to, parenting time may be obtained through private counsel or by attending the monthly FOC General Informational Meeting (see page 31).

### 2. *My parenting time order states I have "reasonable rights of parenting time." What does this mean?*

The **Ingham County Family Division Judges** have adopted the Reasonable Rights of Parenting Time policy attached to this Handbook as [Attachment D](#).

### 3. *What does abutting parenting time mean?*

Abutting is defined as resuming parenting time in a time frame that is not greater than 24 hours. If a party has holiday parenting time and their regularly scheduled parenting time will resume within a period of time not greater than 24 hours, the parenting time will be continuous. This is the practice of the Friend of the Court, even if it is not specifically stated in your court order.

### 4. *Even if we have a specific schedule outlined in the court order, can we make our own verbal/written agreement to change the parenting time?*

Parties are always free to make their own verbal/written agreements but the Friend of the Court can only enforce the language in the court order signed by the Judge.

### 5. *Does the other party still get their summer parenting time even if they did not submit their dates per the date stated in their court order?*

Yes, unless the court order states differently.

### 6. *I have a specific parenting time schedule that I need to change. What can I do?*

If you need a temporary change in your parenting time schedule, first contact the other parent to discuss making other arrangements.

If you need to make a permanent change,

- A) See if you and the other parent can agree to a change (stipulation and order). Remember -- mutual accommodation for the sake of the children should always be the rule!
- B) The **Friend of the Court** can facilitate a parenting time dispute conference.
- C) File a petition with the court clerk for a change in the court order on your own behalf or contact an attorney to help you file the petition.
- D) Attend an Informational Meeting to learn how to file a petition for modification.

### 7. *If the parent exercising parenting time is not making regular child support payments, do I have to allow parenting time?*

**YES!** Parenting time and support are separate orders of the court, with separate enforcement procedures (see support enforcement section).

8. *The other party is not following the parenting time order (i.e., the children are not ready for parenting time or the children are picked up and/or returned late.) What can I do?*

Discuss the issue with the other party. If there is no improvement, file a written parenting time complaint form with the **Friend of the Court** office, who will send a copy to the other parent. If the **Friend of the Court** determines that either parent has violated the parenting time order, they have the responsibility to proceed with enforcement (see parenting time enforcement orders).

Most judges would consider anything more than one-half hour (30 minutes) tardiness to be a violation of the court order, unless excused because of special circumstances. Complaints are available in our office or at [fc.ingham.org](http://fc.ingham.org).

9. *Clothing is not sent for or returned from parenting time. Is there anything the Friend of the Court can do?*

No, the **Friend of the Court** does not enforce this issue. Suggestion: Most judges will indicate that clothing belongs to the children, not the parents. Older children are responsible for their own clothing.

10. *Do I have to let my children go for parenting time if it appears that the parent exercising parenting time has been drinking or using drugs?*

Any denial of parenting time is a violation of the order. You may be ordered to explain to the judge at a contempt hearing why you disobeyed the court order. Full substantiation of your allegation of substance or other abuse will be essential. If you believe that the health and safety of your children require that parenting time should not be taking place as ordered, then it is your responsibility to petition the court for a change in your order to restrict the parenting time.

11. *I am concerned about the other parent discussing changes in the court order with the children. What can the Friend of the Court do?*

The **Friend of the Court** has no enforcement power over this issue.

12. *The Friend of the Court has refused to enforce my parenting time order. What can I do?*

The law requires the **Friend of the Court** to enforce parenting time orders where there is clear evidence of violation. If the Friend of the Court cannot enforce the parenting time provision of an order, you may file a motion with the court.

13. *Does the Friend of the Court have a responsibility to investigate alleged abuse and/or neglect of a child?*

The Friend of the Court **does not have responsibility to investigate child abuse or neglect**. Allegations of abuse or neglect should be reported to the police, or to the [Child Protective Services](#) unit of DHHS at 855-444-3911 (statewide), or 517-887-9450 (Ingham County only).

14. *What if there has been a lapse in parenting time?*

If there has been a lapse in parenting time greater than 90 days, the non-custodial parent will need to write a letter to the other party that outlines the intent to resume parenting time with the

child(ren). A copy of the letter of intent must also be sent to the Friend of the Court. The letter must state the date and time in which you would like to resume your parenting time. The letter of intent must also clearly set forth contact information of the non-custodial parent. The date/time to resume must comply with the most recent court-ordered parenting time schedule. Allow for a minimum 14 days' notice to the custodial parent. If the custodial parent's address is confidential, you may submit the letter to Friend of the Court with a stamped envelope and the Friend of the Court will forward the letter to the other party.

**15. *I have a parenting time order, and my child does not want to follow the parenting time order. What can I do?***

The parents of the child are bound by the court order. However, you may consider one or more of the following:

- A) You may want to see if you can work out a different parenting time arrangement with the child and the other parent.
- B) You can file a petition with the court clerk requesting a change in your parenting time order, or requesting enforcement of the order.
- C) You can request that the **Friend of the Court** enforce your parenting time order (see parenting time enforcement section.)

**16. *For birthday parenting time, are all of the children expected to go?***

Unless otherwise ordered by the court, yes. The Friend of the Court views this as an opportunity for all of the minor children to participate in the birthday festivities.