

Allegan County Friend of the Court Parenting Time Policy 48th Circuit Court

§ 1.0 – INTRODUCTION

In order for the child/ren to successfully adjust to having two homes, it is essential that the child/ren continue to have a stable and nurturing relationship with both parents. The 48th Circuit Court and the Friend of the Court strongly encourage parents to agree on a schedule that will ensure that the best interests of the child/ren are met.

The Allegan County Friend of the Court’s parenting time schedule is outlined below. However, each family’s situation is unique. In an effort to help accommodate their family’s unique schedules the Friend of the Court has created alternative schedules that may be a better fit for their family. These schedules, although not incorporated within this policy, are available upon request.

When parents are able and willing to adequately care for their children, the preferred arrangement is evenly split parenting time. Although not incorporated within the Friend of the Court parenting time schedule below, options are available upon request for equal parenting time schedules.

Additionally, the Friend of the Court recognizes the importance of holidays, significant cultural and national days of recognition that extend beyond the ones provided within this policy. If the parties agree to additional or alternative holidays or other days of recognition, the Friend of the Court may assist in incorporating those into your court order.

§ 2.0 – PARENTING TIME SCHEDULE

This schedule must be followed if your court order says parenting time is based on the Allegan County Friend of the Court Parenting Time Policy and the parents are unable to agree on another arrangement. All times are in Eastern Standard Time (EST).

**Parenting time for all children is based upon the age of the oldest child.*

§ 2.1 – Child/ren under One-Year-Old

(Overnights 17)

1. **Alternate Weekends:** Saturday 9:00 a.m. to 6:00 p.m. and Sunday 9:00 a.m. to 6:00 p.m. If the parents cannot agree, the non-custodial parent will have the first weekend following entry of the order.
2. **Weekday:** One weekday evening each week for up to three hours. Return time will be no later than 8:00 p.m. If the parents cannot agree on a day, then they should use Wednesday. If the parents cannot agree on a time, then they should use 5:00 p.m. to 8:00 p.m.
3. **Alternate Holidays:** see the Holiday § 3.0, except for Spring Break and Christmas Break.
4. **Summer:** The non-custodial parent will have one week between June 1st and September 1st. The non-custodial parent should notify the custodial parent and the Friend of the Court, in writing, by April 1st of each year with the dates they

will exercise summer parenting time. If the non-custodial parent does not supply notice by April 1st of that year, then the summer parenting time will be the 3rd week of July. Alternate weekends remain the same during this time.

§ 2.2 – Child/ren One-Year-Old until the beginning of Kindergarten (Overnights 77)

1. **Alternate Weekends:** Friday 6:00 p.m. to Sunday 6:00 p.m. If the parents cannot agree, the non-custodial parent will have the first weekend following entry of the order.
2. **Weekday:** One weekday evening each week for up to three hours. Return time will be no later than 8:00 p.m. If the parents cannot agree on a day, then they should use Wednesday. If the parents cannot agree on a time, then they should use 5:00 p.m. to 8:00 p.m.
3. **Alternate Holidays:** See the Holiday § 3.0, except for Spring Break and Christmas Break.
4. **Summer:** The non-custodial and custodial parent will each have three weeks to be taken in one week non-consecutive segments. The non-custodial parent should notify the custodial parent and the Friend of the Court, in writing, by April 1st of each year with the dates they will exercise summer parenting time. If the non-custodial parent does not supply notice by April 1st of that year, then the summer parenting time will be the 3rd week of June, July, and August. Alternate weekends remain the same during this time.

The custodial parent should notify the non-custodial parent and the Friend of the Court, in writing, by April 15th of each year with the dates they will exercise summer parenting time. If the custodial parent does not supply notice by April 15th of that year, then the summer parenting time will be the 2nd week of June, July, and August. Alternate weekends remain the same during this time.

Should parties make a request for the same weeks for summer parenting time, the non-custodial party will have preference for the dates submitted to the Friend of the Court. If neither party submits a request for summer parenting time, then parenting time will be exercised as noted above.

5. **Electronic Communication:** Each parent is entitled to electronic/telephone contact two times each week. If the parents cannot agree on the days, then the days will be Tuesdays and Thursdays at 6:00 p.m. and will be initiated by the party who is exercising parenting time.

§ 2.3 – Child/ren beginning Kindergarten until the 18th birthday (Overnights 104)

1. **Alternate Weekends:** Friday 6:00 p.m. to Sunday 6:00 p.m. If the parents cannot agree, the non-custodial parent will have the first weekend following entry of the order.
2. **Weekday:** One weekday evening each week for up to three hours. Return time will be no later than 8:00 pm. If the parents cannot agree on a day, then they shall use Wednesday. If the parents cannot agree on a time, then they shall use 5:00 p.m. to 8:00 p.m. This will occur from September 1st to June 1st of each year.

3. **Alternate Holidays:** See Holiday § 3.0.
4. **Extended Parenting Time as Follows:**
 - a. **Summer:** Alternating weeks. Alternate weeks from Friday at 6:00 p.m. to Friday at 6:00 p.m. The parenting time will begin with the parent who has parenting time for the first weekend following the end of the school year. If the parents cannot agree, the summer parenting time will begin 6:00 p.m. the first Friday after the school year ends.
 - b. **Christmas:** One-half of Christmas Break from school. Alternate weekends remain the same during this break.
 - c. **Spring Break:** Alternating years. If the parents cannot agree, the spring break parenting time will begin 6:00 p.m. on the day school ends for spring break and finish 6:00 p.m. on Sunday prior to school resuming from spring break. Alternate weekends do not take place during spring break parenting time. The alternate weekend parenting time will resume as normal for the weekend following spring break.
5. **Electronic Communication:** Each parent is entitled to electronic/telephone contact two times each week. If the parents cannot agree on the days, then the days will be Tuesdays and Thursdays at 6:00 p.m. and will be initiated by the party who is exercising parenting time.

§ 3.0 – HOLIDAY PARENTING TIME

* *If the holiday falls during the school year, child/ren must attend school.*

** *Holiday parenting time takes precedence over any regular parenting time and over additional observed days.*

*** *New Year’s holiday is the first holiday of the New Year even though it begins in the previous year.*

§ 3.1 – Odd Numbered Years

Father:

Easter
 July 4th
 Halloween
 Christmas Eve Day
 Child/ren’s Birthday
 Spring Break
 2nd half of Christmas Break
 Father’s Day

Mother:

New Year’s Holiday
 Memorial Day
 Labor Day
 Thanksgiving Day
 Christmas Day
 1st half of Christmas Break
 Mother’s Day

§ 3.2 – Even Numbered Years

Father:

New Year’s Holiday
 Memorial Day
 Labor Day
 Thanksgiving Day
 Christmas Day
 1st half of Christmas Break
 Father’s Day

Mother:

Easter
 July 4th
 Halloween
 Christmas Eve Day
 Child/ren’s Birthday
 Spring Break
 2nd half of Christmas Break
 Mother’s Day

§ 3.3 – Holiday Hours

1. New Year’s Holiday 6:00 p.m. December 31 st to 7:00 p.m. New Year’s Day	7. Thanksgiving Day 6:00 p.m. Wednesday to 6:00 p.m. Friday
2. Easter Day 6:00 p.m. Saturday to 7:00 p.m. Easter Day	8. Christmas Eve Day 6:00 p.m. December 23rd to 7:00 p.m. December 24th
3. Memorial Day 6:00 p.m. Sunday to 7:00 p.m. Monday, Memorial Day	9. Christmas Day 7:00 p.m. December 24th to 9:00 p.m. December 25th
4. Independence Day (July 4th) 6:00 p.m. July 3rd to 7:00 p.m. July 5th	10. Child/ren’s Birthday 9:00 a.m. to 7:00 p.m. *Birthday parenting time to include all siblings
5. Labor Day 6:00 p.m. Sunday to 7:00 p.m. Monday, Labor Day	11. Mother’s Day 9:00 a.m. to 7:00 p.m.
6. Halloween (October 31) 9:00 a.m. to 9:00 p.m.	12. Father’s Day 9:00 a.m. to 7:00 p.m.

§ 4.0 – PARENTING TIME GUIDELINES

The Friend of the Court is committed to the success of parenting time for the benefit of the child/ren. Although the Friend of the Court encourages the parties to work together on parenting time, in the event there is a dispute, the Friend of the Court will only enforce the most current written order. Here are some general guidelines for parents to resolve parenting time disputes.

§ 4.1 – Resolving Issues with the Other Parent

- a. Parents must attempt to resolve issues directly with the other parent. Absent any domestic violence or court order stating otherwise, “we cannot talk to each other,” is not a reason to avoid contact with the other parent.
- b. The Friend of the Court has no authority to proactively take action on a parent who threatens parenting time denial in the future. For example, the Friend of the Court can’t take action on a complaint such as “the other parent told me I won’t be getting the child next week.” Parenting time is a right of the child and should not be used in any manner to coerce the other parent. However, after a denial has occurred, the Friend of the Court can take action on a complaint.
- c. The Friend of the Court cannot force a parent to exercise parenting time. If one party is consistently not exercising their parenting time, you may have other options, such as filing a motion in Circuit Court for a change in the parenting time schedule.
- d. Parents should always speak positively to the child/ren about the other parent, or say nothing at all. Parents should avoid speaking negatively about the other parent and strongly discourage friends and family members from doing so in the presence of the minor child/ren. Each parent should encourage the child/ren to respect the other parent.
- e. Parents should never use the child/ren as a source of information on the activities of the other parent. The child/ren quickly learns to supply information they think you want to hear, and may become skillful in playing one parent against the other. Be careful not to see the child/ren as an object or possession to be won or divided.
- f. Most law enforcement agencies do not become involved in settling custody and/or parenting time disputes and will only refer the parents to the Friend of the Court office. The only time the police should be called is if the child/ren or the parents are in immediate danger

§ 4.2 – Parenting Time Exchanges

Parenting time exchanges are not the time to discuss adult issues such as: spousal support, child support, and property. Your child/ren need your full attention and should not be exposed to these adult conversations.

§ 4.2.1 – Pick-up

For the Friend of the Court to enforce a denial of parenting time, a physical attempt must be made to pick up the child/ren for parenting time, regardless of threats to deny the parenting time.

§ 4.2.2 – Punctuality

Parents should exercise the parenting time schedule on time and in a prompt manner. In cases of unforeseen circumstances a 30-minute delay in picking up/returning the child/ren is allowed. The parent should advise the other parent that they are going to be late. This does not mean that a parent can habitually exercise a pick-up or return time of 6:00 p.m. at 6:30 p.m. This 30-minute exception is an exception to be used only when absolutely necessary. When either of the parents become aware of a delay they shall notify the other parent as soon as possible. Remember, while it is an inconvenience for the parent to keep them waiting, the real harm is done to the child/ren. Nothing disappoints a child/ren more than to be kept waiting to be picked up, or even worse, never to be picked up at all.

§ 4.2.3 - Location

Both parents may mutually agree to set a neutral location for parenting time exchanges, or either party has the option of filing a motion with the circuit court regarding a neutral location. If the parties do not agree on a location, the location will be the party's place of residence.

§ 4.2.4 – Transportation

Unless your court order says otherwise, the parents will share transportation for parenting time. The parent exercising parenting time will pick the child/ren up at the beginning of their parenting time. The other parent will pick up the child/ren at the end of the parenting time. Each parent may have any licensed driver, which the child/ren know, supply the transportation.

§ 4.2.5 – Car Seats

Car seats are required by law. If your court order grants the parents joint physical custody, then each parent is responsible to provide their own car seat. If one party has primary or sole physical custody, then it is the responsibility of the custodial party to provide a car seat for all parenting time, including the non-custodial party's parenting time. This may be accomplished by exchanging the same car seat between the parties, or by the custodial party purchasing one for the other parents use.

§ 4.2.6 – Minor Child's Activities

- a. The parties should cooperate with each other when enrolling the child in extracurricular activities to ensure that the activities do not interfere with the ability of the child to exercise parenting time. Neither parent should enroll the child in activities which serve to interfere with the other's ability to spend time with the child.
- b. Neither parent shall arrange for any appointment or activity for the minor child/ren during the other parent's time without the express permission and agreement of the other parent.

- c. Each parent shall facilitate each minor child's attendance and participation in school-related performances, and any other activities in which a minor child is involved through the mutual agreement and permission of each parent. If the minor child/ren were involved in these activities during the parties' relationship with each other and the child wishes to continue these activities, each parent should try to accommodate the child's continued participation in the activity.
- d. Parents should keep one another advised of all of the child's activities so the other parent has the opportunity to attend or participate in the activity, even if the activity occurs during the parent's off schedule.

§ 4.2.7 – Child's Personal Effects

Each parent is responsible to make sure all the child/ren's personal belongings that the child/ren may need are ready along with the child/ren at the time of pick up and that they are returned at the time of drop off. If something is not sent or returned with the minor child/ren it is the responsibility of that parent to deliver it to the other parent.

§ 4.2.8 – Child's Clothing

If your court order grants the parents joint physical custody, then each parent is responsible to provide the minor children with appropriate clothing during their parenting time. If one party has primary or sole physical custody, then it is the responsibility of the custodial party to provide and send adequate clothing for the minor children during the other parties parenting time. This may be accomplished by the custodial parent sending clothing for each exchange or by purchasing clothing to remain at the non-custodial parent's house. Both parents are expected to send and return clothing in the same condition as it was received.

§ 4.2.9 - Medication

If a child/ren is on medication, written instructions of the dosage and proof of the physician's prescription are to be supplied to the non-custodial parent. The custodial parent must inform the other parent of necessary medications and possible illnesses.

§ 4.3 - Mediation

Mediation is an alternative way to resolve custody and parenting time disputes without having a court hearing. This process may be free of charge and can result in the entry of a new order. The Friend of the Court is required to make mediation services available to the parties that are in the midst of a parenting time or custody dispute, Allegan County provides this service by contract with Mediation Services. Mediation must be provided by an individual who meets statutory requirements to be a mediator because of their education, experience and training. In Allegan County, this service is provided through contracted services with Mediation Services. *See MCL 552.513.*

The Friend of the Court is required to prepare a consent order if an agreement is reached by the parties at mediation on issues of custody and parenting time. With limited

exceptions, everything that occurs in the mediation process is considered confidential and no person may testify to what was said during mediation.

§ 4.3.1 - Informal Mediation

Friend of the Court Enforcement Officers can conduct informal mediation with both parents to help resolve parenting time issues and can help prepare a new court order to modify custody, parenting time, or child support if both parents agree on the change.

§ 4.3.2 - Enforceable Agreements

The Friend of the Court office cannot enforce agreements between the parents that are not written in a court order; this is including mediated agreements, until they are written in a court order. If the parents agree on changes, the Friend of the Court can help you prepare a new court order.

§ 4.4 - Child's Records

A parent, regardless of the custody arrangement, shall not be denied access to records or information concerning his or her child, unless prohibited by a protective order. Records of information include medical, dental, school records, day care provider's records, and notification of meetings regarding the child's education. *See MCL 722.30*. Both parents have the responsibility to take an active role in researching and reviewing these records.

§ 4.5 - Traveling

Unless your court order prohibits, either parent may take the minor child/ren out-of-state for a vacation. Parents are encouraged to provide a general itinerary to the other parent along with a phone number through which they can be contacted in emergency circumstances only. Parents are only allowed to travel within the United States or to countries that are a party to the [Hague Convention](#), without approval from the court or other party. However, the parties may agree or the court may order, that one party may travel to a country not a part of the Hague Convention. Unless otherwise agreed upon, travel may only occur during your own parenting time. *Reference [MCL 722.27a](#)*

§ 4.6 – Delegating Parenting Time

Parents are encouraged to foster relationships with extended family (i.e. grandparents, aunts, uncles, cousins, etc.). Unless prohibited by court order or the parent is incarcerated, parents may delegate their own parenting time to another person. If one parent consistently delegates their parenting time to another person to such a degree that the child/ren do not spend time with the parent, you have the option to file a motion for a change in parenting time.

§ 4.7 – Neglect, Abuse, and Family Violence

The Friend of the Court has no authority to investigate allegations of neglect, abuse, or family violence; this is the job of Child Protective Services. If you have any concerns about the safety of a child/ren, you can contact Child Protective Services (CPS). If you

have any concerns about your safety, you can contact your local sheriff's department or other local resource such as a domestic violence agency to discuss your options.

Resources:

Sylvia's Place: 269-673-8700; *Resilience*: 1-800-848-5991; *CPS*: 855-444-3911.

§ 4.7.1 – Parenting Time and Child Protective Services

At the written request of Child Protective Services, the Friend of the Court will not enforce a parenting time order for a period of 30 days. The Court may order reinstatement of parenting time within this 30 day time frame.

§ 4.7.2 – Reasonable Privacy of the Parties

Unless your court order says otherwise, you do not have a right to inspect the home of the other parent, nor can you demand detail on where, what, and how the parenting time will be exercised.

§ 4.7.3 – Family Violence

The term family violence relates to the claim by an individual that violence such as domestic violence or child abuse has been committed against them. The Friend of the Court will suppress contact information when there is a documented court order, personal protection order (PPO) with a confidential address, or a sworn statement. Federal and state regulations provide that when there is family violence, the address and/or other personal identifying information of the affected individual(s) may not be released to another party. A claim of family violence alone does not suppress information; a court order, PPO, or sworn statement is required to suppress information for child support purposes.

§ 4.7.4 – Protective Orders

If there is a protective order, such as a personal protection order or no contact order, it is your responsibility to provide the Friend of the Court with a copy. Depending on the protective order, it can take precedence over existing custody or parenting time orders. See [MCR 3.706\(C\)\(3\)](#).

§ 5.0 – INVALID PARENTING TIME DENIALS

It is important to remember that parenting time is just as much for the child/ren as it is for the parents. Absent any safety concerns, it is in the best interest of the child/ren to spend time with both parents. Unless determined otherwise, a child has a right to parenting time with each parent.

§ 5.1 – Common Unacceptable Reasons for Denials

- a. **The child/ren are not home or are unavailable.** Each parent is responsible to see that the child/ren are available for parenting time. Parenting time is a scheduled event, as such, if the child/ren are not home or are not available that will be considered as a deliberate attempt to deny the other parents parenting time.

- b. **The child/ren does not want to go to parenting time.** Although parenting time is a right of the child, the child does not have the decision making authority.
- c. **I can't physically force my child to go.** As children grow they learn to assert their own will. If a child refuses to participate in parenting time, the parent with whom that child is with must take age appropriate discipline to persuade the child to attend.
- d. **The parent does not want the child/ren to go.** Unless there is a safety reason to withhold parenting time, the parent must ensure the child/ren are ready to attend. If a parent decides that the other parent is unfit to exercise parenting time, you have the option of filing a motion with Circuit Court.
- e. **The child/ren fusses when the other parent picks them up.** Take care not to jump to conclusions. This does not necessarily indicate problems with the other parent, it could be that exchanges are stressful for the child. It could also be the child's way of expressing not wanting to be apart from one parent.
- f. **The child/ren are sick.** If the child/ren are not feeling well, parent A, whom has the child/ren, should contact parent B and explain the situation. If parent B agrees, the child may stay with parent A. Otherwise, the parents are expected to exchange the child/ren for parenting time.
- g. **The weather is bad.** Parents are not expected to risk life or limb for parenting time exchanges. In the event of inclement weather, parent A, whom has the child/ren, should contact parent B and explain the situation. If parent B agrees, the child may stay with parent A. Otherwise, the parents are expected to exchange the child/ren for parenting time.
- h. **The parent paying support is behind in his or her obligation.** Parenting time is a right of the minor child and it may not be denied for lack of payment. Child support is separate from parenting time and is not a reason to deny parenting time.

§ 5.2 – Parenting time Denial Court Process

In order for the Friend of the Court to take enforcement action on claims of denied parenting time, the parent who was denied parenting time must submit their complaint in a timely manner with the specific dates they were denied. The Friend of the Court may decline to respond to the alleged violation if: (1) it occurred more than 56 days before the complaint is made; (2) the complaining party has made two or more similar complaints found by the court to be unwarranted and has failed to pay costs assessed in those actions; or (3) the court order does not include an enforceable parenting-time provision. Additionally, all claims of denied parenting time must include the specific dates they were denied. If a complaint is submitted that states generally that all parenting time from January to May was denied, that claim will be returned with a request for each specific date of denial. See [MCL 552.641\(2\)](#).

- a. If a parent is denied parenting time, a written complaint must be filed with the Friend of the Court office, a copy may be obtained at the office or on the Friend of the Court [website](#), and must include the following.
 - 1. Docket number.
 - 2. Name, address, and telephone number of the Plaintiff and Defendant.
 - 3. Child/ren's name.
 - 4. Dates of alleged violation.

5. Specific problem.
 6. Whether or not you attempted to pick up the child/ren.
 7. Whether or not you are requesting makeup parenting time
 8. Proposed makeup parenting time dates.
- b. Following the filing of a written parenting time complaint with the Friend of the Court office, a 21-day notice will be processed to both parents. A written response needs to be filed with the Friend of the Court office within 21 days. Upon receiving the response the Friend of the Court may do one of the following:
1. Determine there was no violation.
 2. Find good cause for the denial and deny the complaint.
 3. Award makeup parenting time.
 4. Submit a referral for both parents to mediation.
 5. Schedule a joint office appointment for both parents to meet with their enforcement officer.
 6. File a motion and order to show cause for contempt, which results in a hearing date before the Attorney/Referee or Judge whom may issue sanctions if a party is held in contempt.