

Parenting Time Assistance

Newaygo County Friend of the Court has the statutory responsibility to enforce court orders regarding parenting time. We are dedicated to helping resolve disputes and to take action to make sure children's rights to know both parents are protected. We will assist parents by encouraging and fostering both parents' involvement in the resolution. This includes educating and facilitating parents to address their complaints/concerns toward a resolution that is in the best interest of the children. Resolution of a dispute may call for a parent to be held accountable for behavior that is in contradiction with the court order.

Parenting time is usually addressed in a Judgment/Order. The arrangement or schedule of parenting time in the Judgment/Order provides the basic rules on how parenting time is to occur. If there is not a specific parenting time provision in the Judgment/Order, it may be necessary to seek modification of the existing order by **a)** filing an In Pro Per Motion Regarding Parenting Time **b)** having an attorney file a Motion Regarding Parenting time or **c)** the parties come to an agreement and make an appointment with the Dispute Resolution Specialist to have the current order changed.

Parents need to know what is contained in their order regarding parenting time. The Friend of the Court does not provide copies of court orders to parents, but copies can be obtained from the Circuit Court Clerk for a fee. Parents should also maintain their own records which may be useful in the event the matter must be taken before the court. However, court action is always considered as a last resort to resolve disputes.

Parenting Time Policies: There are areas of parenting time that are not always specifically addressed in the parenting time order. In the absence of a specific order addressing these areas, we will enforce the following:

Physical Attempt – The parent exercising parenting time must be at the court ordered location at the court ordered time, on the court ordered day, to attempt their parenting time. The Friend of the Court may exercise some discretion if there is long distance travel. Third parties may be allowed to make the physical attempt if provided for in the order.

Tardiness – There is 30-minute leeway after the specified exchange time, **on occasion, for good reason. This should not be abused.**

Week – A week is seven (7) consecutive overnights to encompass the regularly scheduled weekend of the parent exercising parenting time, beginning and ending on the same day of the week, and at the same time of day.

Weekend Rotation – The weekend schedule should not change even though it may be interrupted by holidays or extended parenting time.

School Breaks – (Christmas, Winter and Spring) School breaks will be enforced if specifically defined in the court order with a beginning and end.

Summer Parenting Time – If the order provides for extended parenting time in the summer, but it does not define when it begins and ends, it will not be enforceable.

Holidays – Holidays take precedence over all other parenting time. However, we can only enforce holidays if they are specifically defined in the court order.

Transportation – Each parent will provide transportation at the onset of their parenting time. (See additional information on this topic in the Reasonable Parenting time Policy of the Newaygo County Friend of the Court).

Enforcing Parenting Time Orders:

The Friend of the Court is a neutral agency that does not take the side of either the mother or the father when enforcing parenting time. Parents can make changes and deviate from their parenting time order when they both agree. However, if these agreements break down, we cannot enforce agreements made outside of the court order. Should a parent change parenting time or deny parenting time without the consent of the other parent, the Friend of the Court may be able to assist with the enforcement of the order. The Friend of the Court will take action to enforce the parenting time ordered by the court until the child is 18 years old.

Written Complaint – When the order is not followed by one of the parties, and assistance is desired, the other parent must file a written complaint with us within 56 days of the violation. When a complaint is filed, the burden of proof that the order was violated is always the responsibility of the complaining parent, not the Friend of the Court. Parenting Time/Custody complaint forms can be obtained at Friend of the Court office, online through countyofnewaygo.com or mailed to you.

Valid Complaint – This is a written complaint that was filed with the Friend of the Court within 56 days of the violation, has been reviewed by the Dispute Resolution Specialist, and appears to be in violation of the court order.

Invalid Complaint – This is a written complaint that was filed and the Dispute Resolution Specialist is unable to determine the validity. The complaint will be returned to you with information as to why it could not be processed. Some reasons the complaint could not be considered valid include:

- 1)** The order does not state specific times and dates for parenting time.
- 2)** The order has specific days and times, but the parent filing the complaint failed to make a physical attempt because the other parent informed them via text message, phone call or email that he/she would not be allowing the

parenting time. This is not enough to be considered a valid complaint. **A physical attempt must still be made.**

3) Not enough information was provided in the complaint to make a determination.

POSSIBLE OUTCOMES:

- ⇒ 21-Day Notice–Once determined that a complaint is valid as an alleged violation of the court order, a copy of the complaint will be sent to the other parent, and that parent shall have 21 days to respond in writing. The complaining parent will receive a copy of the other parent’s response. Failure to respond to a 21-day notice can be considered as an agreement that the make-up parenting time will be applied.
- ⇒ The complaint could terminate/be denied.
- ⇒ A Dispute Resolution Meeting could be scheduled.
- ⇒ A Motion and Order to Show Cause could be scheduled.
- ⇒ The Friend of the Court may file a motion asking the Court to modify the current parenting time order.

Withholding Parenting time: Our Staff cannot give approval to disobey a Court order, regardless of the circumstances. Parents are responsible for their own decisions and actions.

PPO’s and Parenting Time: Obtaining a Personal Protection Order (PPO) does not terminate the existing Court order for parenting time. However, it may impact parenting time exchanges. Parents may need to take additional measures to ensure that exchanges go smoothly. For example, parents can have either the PPO or their parenting time order modified to define how exchanges are to occur. Parents should make every effort to assure that the child(ren) have continuing contact with both parents, if ordered.

When parents do not exercise their court

ordered parenting time:

There are some parents who have court ordered parenting time, but they do not exercise it, or are sporadic in seeing their minor child(ren). We acknowledge that this is often harmful and confusing to a child, but we cannot assist in forcing a parent to exercise his/her parenting time. How parents react to this situation can make a difference in how harmful the situation will be to the minor child(ren).

Do’s and Don’ts:

Don’t:

- Blame the other parent
- Make negative comments about the other parent in front of or to the minor child(ren)

Do:

- Let the child(ren) express their feelings (without adding your comments)
- Acknowledge that the child misses the other parent



NEWAYGO COUNTY FRIEND OF THE COURT

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PARENTING TIME ASSISTANCE

For more information or links to important documents, please visit the Newaygo County web site at:

countyofnewaygo.com



“YOU MUST LOVE THE CHILD MORE THAN YOU DISLIKE THE OTHER PARENT” –Smile Video