

TO: SEPARATED PARENTS:

Parenting time is every child's right. Responsible parents will put individual differences aside and deal with each other in good faith to see that parenting time is encouraged. The circuit court bench strongly believes that it is important for a child to have a good relationship with both parents and has, therefore, adopted a make-up parenting time policy pursuant to MCLA 552.642.

The Friend of the Court will apply this Make-Up Parenting Time Policy where one parent has wrongfully denied court ordered parenting time to the other and the Friend of the Court or the Court determines that make-up parenting time is the appropriate method of enforcement. Joint meetings, mediation, and contempt proceedings are alternative methods of enforcement available to the Friend of the Court.

The following explanations by a parent denying parenting time are generally not valid; The child(ren) has a minor illness; The child(ren) had to go somewhere else; The child(ren) was not home; The non-custodial party is behind in child support; The custodial parent did not want the child(ren) to go; The weather was bad; The child(ren) refused to go; The other party failed to meet preconditions unilaterally established by the party allegedly denying parenting time.

In determining a valid claim, the Friend of the Court must first determine if the alleged violation states something, which is enforceable under the court's parenting time order. If the Friend of the Court finds that it does, it must send the following notice as required by MCL 552.642(2):

FAILURE TO RESPOND IN WRITING TO THE OFFICE OF FRIEND OF THE COURT WITHIN 21 DAYS AFTER THIS NOTICE WAS SENT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKE-UP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE APPLIED.

Procedure after response or the time for response passes

If the responding party provides a timely response, the Friend of the Court shall initiate one of the other enforcement methods available under MCL 552.641.

If a written response is not provided to the Friend of the Court within 21 days of when the notice was sent, and when it is determined it is in the child's best interests, the Friend of the Court shall apply makeup-parenting time as set forth in MCL 552.642(1):

- (a) That makeup parenting time shall be at least the same type and duration of parenting time as the parenting time that was denied, including but not limited to weekend parenting time, weekday parenting time for weekday parenting time, and summer parenting time for summer parenting time.
- (b) That makeup parenting time shall be taken within 1 year after the wrongfully denied parenting time was to have occurred.
- (c) That the wrongfully denied parent shall choose the time of the makeup parenting time.
- (d) That the wrongfully denied parent shall notify both the Friend of the Court and the other parent in writing not less than 1 week before making use of the makeup weekend or weekday parenting time or not less than 28 days before making use of makeup holiday or summer parenting time.

This make-up parenting time policy is approved.

Date approved: May 15, 2003

Honorable Archie C. Brown (P30360)
Chief Judge Trial Court