

# Parenting Time Assistance

Muskegon County Family 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 particular provision of the 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 through a consultation with an attorney, or by filing an In Pro Per Motion Regarding Parenting Time.

Parents need to know what is contained in their order regarding parenting time. We do not provide copies of court orders to parents, but copies can be obtained from the Clerk of the Court, Circuit Court Records located in the Michael E. Kobza Hall of Justice. 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:

**Transportation** – The parent exercising parenting time will provide transportation for parenting time unless otherwise provided for in the order. He/She shall be responsible for transporting the child(ren) to and from the primary residence of the other parent. If the order grants joint physical custody, each parent will provide transportation at the onset of their physical custody time.

**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. We 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 *15-minute flexibility* 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 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, we will not be able to initiate an enforcement hearing.

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

## Enforcing Parenting Time Orders:

We are a neutral agency and do not take a side for 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, we may be able to assist with the enforcement of the order. We 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 us. Parenting Time/Custody complaint forms can be obtained at Family Court Services or mailed to you.

**Valid Complaint** – This is a written complaint that was filed with us within 56 days of the violation, has been reviewed by the Family Court Specialist, and appears to be in violation of the court order. (See “21-Day Notice” below for more information).

**Invalid Complaint** – This is a written complaint that was filed with us and we were unable to determine validity. We will return the complaint with information why we could not process it. 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 complainant failed to make a physical attempt because the other parent informed via phone call, e-mail, or letter that he/she would not allow 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.

**21-Day Notice** – Once we determine 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 the 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.

Possible outcomes from this point are:

- The complaint could terminate
- A Dispute Resolution Meeting could be scheduled
- A Motion and Order to Show Cause could be scheduled.
- A proposed order could be submitted to the court.

**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.

**Personal Protection Orders and Parenting Time:** Obtaining a Personal Protection Order (PPO) does not terminate the existing Circuit 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 Circuit Court 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.

**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 child(ren). We acknowledge that this is often harmful and confusing to a child, but we cannot assist in forcing a parent to exercise their parenting time. How the adults react to this situation can make a difference in how harmful the situation will be.

**Do’s and Don’ts:**

**Don’t:**

- Blame the other parent
- Make negative comments about the other parent

**Do:**

- Let the child(ren) express their feelings (without adding your comments)
- Acknowledge that the child misses the other parent
- Assist by opening the communication between the other parent and your child.

Examples:

- Help the child select a card to send
- Help the child locate a telephone number to call
- Help the child draft a letter

# MUSKEGON COUNTY FAMILY COURT SERVICES

990 TERRACE ST  
3<sup>RD</sup> FLOOR  
MUSKEGON MI 49442  
PHONE: 231-724-6421

## PARENTING TIME ASSISTANCE

For more information about other services, please see the web site at [www.co.muskegon.mi.us](http://www.co.muskegon.mi.us) or read other available brochures developed by Muskegon Family Court Services.