

# FRIEND OF THE COURT ENFORCEMENT OF PARENTING TIME ORDERS

What to Do if You are Denied Parenting Time



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**State Court Administrative Office**  
**Friend of the Court Bureau**  
Michigan Supreme Court  
<http://courts.michigan.gov/scao>

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### **What Should I do When I am Denied Parenting Time?**

A party who believes he or she has been denied court ordered parenting time should do all of the following:

- **Make sure you were denied parenting time:** Review your most recent court order for parenting time to make sure you were actually denied parenting time.
- **Submit your complaint:** Describe the parenting time violation in writing and give it to the Friend of the Court (FOC) office. This is known as your parenting time “complaint.” Include the specific dates and times the parenting time violation occurred. Before submitting your complaint, it is also best to contact the FOC office to find out if it requires additional information or has any other important instructions.
- **Make sure you submit your complaint on time:** You must give your written complaint to the FOC within *56 days* of the parenting time violation.
- **Make a copy of the complaint:** Keep your own copy of the complaint.

### **What Will the FOC Do?**

Once the FOC receives a written complaint alleging a parenting time violation, it will:

- **Verify if it is a valid complaint:** The FOC will check to make sure the submitted parenting time complaint is valid.
  - **Determine if a violation occurred:** The FOC will check the court order to see if the alleged denial of parenting time violated the order. The FOC may not be able to enforce certain complaints due to the way some court orders are written.

*Example: Some orders state that parenting time will be as agreed upon by the parties. The FOC may be unable to determine if the denial in the complaint violates the order if it does not know what the parties agreed to.*
  - **Checking previous complaints:** The FOC will check whether the party submitting the complaint has submitted two or more unwarranted complaints where costs were assessed and are unpaid.
  - **Complaint submitted on time:** The FOC will make sure the complaint was submitted within *56 days* from the date the *violation occurred*.
- **Send a copy of the complaint to the other party:** If the FOC determines a party has submitted a valid parenting time complaint, it will send the other party a copy of the complaint within 14 days.

### **What can the FOC do if There was a Parenting Time Violation?**

**Makeup Parenting Time:** Many FOCs will begin parenting time enforcement by sending a notice to both parties informing them that the party who denied parenting time is required to provide the other party makeup parenting time. Either party may object to the makeup parenting time by submitting a written objection to the FOC within 21 days after the notice is sent. If a party objects

to makeup parenting time, the FOC will select another enforcement procedure. If neither party objects, the FOC will send another notice to the parties indicating the makeup parenting time must occur.

**Using Makeup Parenting Time.** Makeup parenting time must occur within one year, and must be the same as the parenting time that was denied.

*Example: A party gets 1 weekend of makeup parenting if 1 weekend was denied. The wrongfully denied party is required to notify both the FOC and the other party in writing before using makeup parenting time.*

**Schedule Mediation:** The FOC may schedule mediation. During mediation, the parties meet with an individual appointed by the court who helps the parties resolve their parenting time dispute. If the parties reach an agreement, the mediator will prepare their agreement and ask the judge to sign a modified order. If the parties do not reach an agreement, the FOC office may select another enforcement procedure.

**Schedule a Joint Meeting:** The FOC may schedule a joint meeting. At a joint meeting, the parties meet with FOC staff to discuss solutions to the alleged parenting time violation. The FOC may schedule a joint meeting if the violation includes an issue such as pickup/drop-off times, minor schedule changes, or the return of a child's belongings after parenting time. If the parties reach an agreement, the FOC employee prepares the agreement and asks the judge to sign it. If the parties do not reach an agreement, FOC employee may recommend an order to the court. A party who disagrees with the recommendation must submit a written objection to the FOC and a judge or referee will hold a hearing to resolve the parenting time dispute.

**Schedule a Civil Contempt Hearing:** For more serious violations, the FOC may schedule a hearing. These hearings are called contempt or show cause hearings. These hearings might be used after serious or multiple violations of an order. At the hearing, the alleged violating party has an opportunity to explain to the judge or referee the reasons for violating the court order, or prove the violation did not occur. A judge or referee who finds a party violated the court order *without good cause* may do any of the following:

- Order additional terms;
- Modify the parenting time order;
- Order makeup parenting time;
- Order a fine of \$100 or less;
- Commit the party to jail or an alternative to jail with work release (not more than 45 days for the first contempt finding and no more than 90 days for any additional contempt finding);
- Order the parent to participate in a community corrections program;
- Place the parent under the supervision of the FOC;

If the party fails to provide makeup parenting time or ongoing parenting time, the judge or referee may suspend that party's work, or driver's, recreational, and sporting licenses.

**FOC Requests for Modification of Parenting Time:** The FOC may ask the court to modify the parents' parenting time order. The FOC typically only requests modification when it is clear the existing order is not good for the parties or the child, and the parties do not have the ability or

opportunity to do this on their own.

### **I Want to Change the Current Parenting Time Order - How Do I Do That?**

If a party wants to change the current parenting time order, the party can start by doing any of the following:

- Contacting the other party to see if he or she would agree to change the parenting time order. If the parties reach an agreement, the FOC may prepare a proposed court order that reflects the agreement. Once signed by the judge it becomes a court order.
- Requesting FOC mediation; if the parties agree to change the current order, that agreement can be signed by the judge to become a modified parenting time order.
- Contacting an attorney who may then file a motion to change the order on the party's behalf.
- Filing a motion without the assistance of an attorney. The parenting time motion form (FOC 65) is available at:  
<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/domesticrelations/custody-parentingtime/foc65.pdf>.

**Please visit the following website for additional parenting time information on the Michigan Parenting Time Guidelines:**

[http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/pt\\_gdlns.pdf](http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/pt_gdlns.pdf)