

FRIEND OF THE COURT ENFORCEMENT OF PARENTING TIME ORDERS

What to Do if You are Denied Court Ordered Parenting Time



**State Court Administrative Office
Friend of the Court Bureau**
Michigan Supreme Court

What Should I do When I am Denied Parenting Time?

A parent 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. Make sure that you arrived at the other parent's home within 30 minutes of the time designated within your court order.
- ***Submit your written complaint:*** Describe the parenting time violation in writing and provide 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, the date of the most recent custody and parenting court order, and summary of the issues about the alleged denial of parenting time. 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 provide 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 alleged parenting time complaint is valid.
 - ***Determine if a violation occurred:*** The FOC will check the court order to see if the alleged parenting time complaint 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 parents. The FOC may be unable to determine if the denial in the complaint violates the order if it does not know what the parents agreed to.
 - ***Checking previous complaints:*** The FOC will check whether the parent 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 each parent:*** If the FOC determines a parent has submitted a valid parenting time complaint, it will send a copy of the complaint to each parent 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 parent who denied parenting time is asked to provide the other parent makeup parenting time. Either parent 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 parent objects to makeup parenting time, the FOC will select another enforcement procedure. If neither parent objects, the FOC will send another notice to the parents 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 parent gets 1 weekend of makeup parenting if 1 weekend was denied. The wrongfully denied parent is required to notify both the FOC and the other parent in writing one week before using the makeup parenting time. For holiday or summer parenting time the parent must notify both the other parent and the FOC 28 days before using the makeup parenting time.

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

Schedule a Joint Meeting: The FOC may schedule a joint meeting. At a joint meeting, the parents meet with a FOC staff member to discuss solutions to the alleged parenting time violation. Some examples of violations when the FOC may schedule a joint meeting are pickup/drop-off times, or minor schedule changes. If the parents reach an agreement, the FOC employee prepares a report and the agreement and asks the judge to sign it. If the parents do not reach an agreement, FOC employee will submit a report and may submit a recommend order to the court. A parent who disagrees with the recommendation must submit a written objection within 21 days to the FOC and a judge or referee will hold a hearing to resolve the parenting time dispute.

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.

Schedule a Civil Contempt Hearing: For more serious or multiple 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 parent 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 parent violated the court order *without a valid reason 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 parent 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; or
- Order the parent to pay a sanction of not more than \$250.00 for the first time the parent is found to have acted in bad faith, not more than \$500.00 for the second time, and not more than \$1,000.00 for the third or a subsequent time.

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

If a parent who allegedly violated the court order fails to appear for the show cause, the judge can issue a bench warrant for the arrest of the parent and possibly the booting of the parent's vehicle.

Once a parent is served with the motion, they may ask the court to modify the parents' parenting time order.

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

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

- Contact the other parent to see if he or she would agree to change the parenting time order. If the parents 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.
- Request 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.
- Contact an attorney who may then file a motion to change the order on the parent's behalf.
- File a motion without the assistance of an attorney. The parenting time motion form ([FOC 65](#))
- After receiving a show cause hearing notice request a hearing to modify the parenting time order.

For additional parenting time information please see the [Michigan Parenting Time Guidelines](https://www.courts.michigan.gov/49422a/siteassets/court-administration/standardsguidelines/foc/pt_gdlns.pdf) at https://www.courts.michigan.gov/49422a/siteassets/court-administration/standardsguidelines/foc/pt_gdlns.pdf