

## 2021 HILLSDALE COUNTY ADDENDUM A

### DOMICILE

The domicile or residence of the child(ren) may not be moved from Michigan without the approval of this Court and the custodian shall promptly notify the Court when the child(ren) is (are) moved to another address.

A parent whose custody or parenting time of a child is governed by this Order shall not change the legal residence of the child, except in compliance with section 11 of the Child Custody Act of 1970, 1970 Public Act 91, MCL 722.31.

A parent of a child whose custody is governed by Court order shall not change a legal residence of the child to a location that is more than 100 miles from the child's legal residence at the time of the commencement of the action in which the order is issued except in compliance with section 11 of the Child Custody Act of 1970, 1970 Public Act 91, MCL 722.31.

### CHANGE OF ADDRESS

Any party who shall have custody or parenting time of a child(ren) under an order of this Court, shall notify the Friend of the Court Office within 21 days of any change in that party's residential address, mailing address or legal address and phone number(s), regardless of the existence or non-existence of a spousal or child support case.

### INALIENABLE RIGHTS OF THE CHILD

The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional and physical well-being and to give and afford a child the affection of both parents and sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. The parents will endeavor to guide a child so as to promote the affectionate relationship between a child and the mother and a child and the father. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the other parent from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.

### HILLSDALE COUNTY STANDARD HOLIDAY AND SUMMER PARENTING TIME SCHEDULE

1. **Holiday Parenting Time:** Defendant shall have Holiday parenting time for Easter, July 4th, and Thanksgiving in the even number years (2022, 2024, etc.) and Memorial Day, Labor Day and Spring Break in the odd-numbered years (2021, 2023, etc.). The

Plaintiff shall have the same Holidays in the opposite numbered years. These Holidays are defined as:

- a) **Easter:** From Good Friday at 6:00 p.m. until Easter Sunday at 6:00 p.m.
  - b) **Memorial Day:** From the Friday preceding Memorial Day at 6:00 p.m. until Memorial Day (Monday) at 6:00 p.m.
  - c) **July 4<sup>th</sup>:** From July 4<sup>th</sup> at 9:00 a.m. until July 5<sup>th</sup> at 9:00 a.m.
  - d) **Labor Day:** From the Friday preceding Labor Day at 6:00 p.m. until Labor Day (Monday) at 6:00 p.m.
  - e) **Thanksgiving:** From the Wednesday preceding the Thanksgiving Holiday at 6:00 p.m. until the Sunday following the Holiday at 6:00 p.m.
  - f) **Spring Break:** From the evening the children are released from school for Spring Break at 6:00 p.m. until the evening before school resumes after Spring Break at 6:00 p.m.
2. **Christmas / Winter Break:** The Defendant shall have the first half of the Christmas / Winter Break in the even number years (2022, 2024, etc.), and the Plaintiff shall have the first half of the Christmas / Winter Break in the odd number years (2021, 2023, etc.), from the evening the children are released from school for the Christmas / Winter Break at 6:00 p.m. until Christmas Day (December 25<sup>th</sup>) at 10:00 a.m.
  3. **Christmas / Winter Break:** The Defendant shall have the second half of the Christmas / Winter Break in the odd number years (2021, 2023, etc.), and the Plaintiff shall have the second half of the Christmas / Winter Break in the even number years (2022, 2024, etc.), from Christmas Day (December 25<sup>th</sup>) at 10:00 a.m. until the evening before school resumes after Christmas / Winter Break at 6:00 p.m.
  4. **Father's Day:** The Father shall have every Father's Day from the evening of the day before Father's Day at 6:00 p.m. until the evening of Father's Day at 6:00 p.m.
  5. **Mother's Day:** The Mother shall have every Mother's Day from the evening of the day before Mother's Day at 6:00 p.m. until the evening of Mother's Day at 6:00 p.m.
  6. **Summer Parenting Time:** The parties shall alternate weeks of parenting time during the summer months with the non-custodial parent having the first week of summer parenting time commencing at 6:00 p.m. on the first Sunday after school recesses for

the summer and concluding at 6:00 p.m. the following Sunday. The custodial parent shall then have custodial time until 6:00 p.m. the following Sunday. The parties shall continue to alternate weeks of parenting time until 6:00 p.m. on the Sunday immediately before school resumes after the summer break when the child(ren) shall be returned to the custodial parent.

**Holiday parenting time shall take precedence over weekday, alternate weekend, spring break and summer parenting time. Spring break parenting time shall take precedence over weekday and alternate weekend parenting time.**

**7. Parenting Time Conditions:**

- a) Each party shall have reasonable, unlimited and unmonitored phone contact with the child when the child is with the other parent.
- b) Neither party shall disparage the other parent in the presence of the child.

**7. Additional Parenting Time:** Such additional or alternative times as the parties may mutually agree.

**THE HAGUE CONVENTION ON THE CIVIL ASPECTS  
OF INTERNATIONAL CHILD ABDUCTION**

Pursuant to MCL 722.27(a)(9), as amended by Public Act 600 of 2012, neither parent shall exercise parenting time in a nation that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction unless both parents provide the Court with written consent to allow parenting time in a nation that is not a party the Convention.

**MAKE-UP PARENTING TIME POLICY**

**MCL 552.642**

**Administrative Order 2019-02**

A. A custody or parenting time violation is any act or failure to act that interferes with a parent's right to interact with a child as governed by the Court Order (MCL 552.602 et. seq.). This includes a custodial parent's violation of parenting time provisions, and a non-custodial parent's violation of custody or parenting time provisions.

B. Denial of custodial / parenting time can be detrimental not only to the parent who is denied this time, but to the child as well. Custodial / parenting time is every child's right. Because the Circuit Court strongly believes that it is important for a child to have a good relationship with both parents, the Court adopts a make-up parenting time policy pursuant to MCL 552.642; MSA 25.164(42).

C. Just as a payor can build up an arrearage by not paying support on time, a parent will now build up a “parenting time arrearage” when a parent wrongfully denies the other parent his/her regular Court-ordered custodial / parenting time. Wrongfully denied custodial / parenting time shall be at least the same type and duration of custodial / parenting time that was denied, including, but not limited to, weekday for weekday, weekend for weekend, holiday for holiday, and summer parenting time for summer parenting time.

D. The make-up custodial / parenting time shall be taken at a time determined by the wrongfully denied parent within ninety-three (93) days of the date the wrongfully denied parent was awarded the make-up custodial / parenting time or as otherwise ordered by the Court.

E. In order to assure that the Friend of the Court has the correct information upon which to base custody / parenting time violations, the following procedure is adopted.

Within fifty-six (56) days of an alleged, wrongfully denied custodial / parenting time, the wrongfully denied parent shall advise the Hillsdale County Friend of the Court **in writing** of the date(s) of alleged wrongfully denied custodial / parenting time. Within fourteen (14) days of receipt of the complaint, if the Friend of the Court determines that action should be taken, the office of the Friend of the Court shall send to each parent a notice of the application of this policy. This notice shall contain the following statement in boldface type of not less than 12 points.

**FAILURE TO RESPOND IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT WITHIN TWENTY-ONE (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.**

F. The date of the postmark will be used to determine whether either party has complied within the time limits.

G. If the parent makes a timely reply with an explanation as to why s/he feels custodial / parenting time was not wrongfully denied, the Friend of the Court shall do one (1) or more of the following.

1. Apply the make-up parenting time policy
2. Schedule a joint meeting.
3. Schedule mediation.
4. Commence civil contempt proceedings.
5. File a motion for modification of existing parenting time provisions to ensure parenting time, unless contrary to the best interest of the child.

H. The Friend of the Court may decline to address the alleged custody/parenting time violation under any of the following circumstances:

1. The parent filing the complaint must have previously submitted two (2) or more complaints that have been determined by the Court as unwarranted, costs were assessed as a result, and the party has not paid these costs.
2. The alleged violation occurred more than fifty-six (56) days before the complaint was filed.
3. The custody or parenting time order does not include an enforceable provision that is relevant to the custody or parenting time order violation alleged in the complaint.

I. The following are examples by the custodial parent for denial of parenting time which are generally **not acceptable**:

1. The child had a *minor* illness and is not confined to bed rest pursuant to a medical caregiver's explicit instructions.
2. The child had to go someplace else.
3. The child was not home.
4. The non-custodial parent is behind in a support obligation.
5. The custodial parent did not want the child to go on parenting time.
6. The weather was bad.
7. The child had no clothes to wear.
8. The child refused to go.
9. The non-custodial parent failed to meet preconditions unilaterally established by the custodial parent
10. Religious reasons- unless provided for in the Court order.

J. The following are examples of explanations by the custodial parent for denial of parenting time which **are generally acceptable**:

1. The non-custodial parent was impaired by drugs or alcohol at the time of exercise of parenting time.
2. The non-custodial parent failed to arrive for parenting time within fifteen (15) minutes of the time specified in the order unless otherwise arranged by the parties.
3. The child has a *major* illness.
4. The non-custodial parent failed to meet mutually agreed to or Court-established preconditions.
5. The non-custodial parent has established a pattern of failing to exercise scheduled parenting time.

K. When awarded make-up custodial / parenting time, the wrongfully denied parent shall notify the office of the Friend of the Court *and* the other parent, in writing, of make-up parenting time at least seven (7) days before a make-up weekday or weekend parenting time or at least twenty-eight (28) days before a make-up holiday or make-up summer parenting time.

L. Should you have any questions regarding this policy, please contact the Hillsdale County Friend of the Court Office, or write a letter stating what information you need clarified.

**PREGNANCY AND BIRTH EXPENSES**

In all cases where the Michigan Department of Health and Human Services is entitled by statute to seek reimbursement for expenses paid for the pregnancy and birth of the child(ren), the Friend of the Court may assess to the parties the pregnancy and birth expenses for the child(ren) in accordance with the Birth Expense Obligation Formula, which is published by the Michigan Office of Child Support.

If the father marries the mother after the birth of the child(ren) and provides documentation of the marriage to the Friend of the Court, the father's obligation for payment of any remaining unpaid pregnancy and birth expenses is abated subject to reinstatement after notice and hearing for good cause shown, including, but not limited to, dissolution of the marriage. The remaining unpaid amount of the pregnancy and birth expenses owed by the father is abated as of the date that documentation of the marriage is provide to the Friend of the Court.

FATHER'S NAME shall pay an amount, of which is to be determined by the Friend of the Court Office, toward the reasonable and necessary medical expenses connected to the mother's pregnancy, and the birth of CHILD'S NAME at the rate of not less than \$25.00 per month or as otherwise determined by the Court.

Payments made toward the pregnancy and birth expenses shall be forwarded by the Friend of the Court / Michigan State Disbursement Unit to the Michigan Department of Health and Human Services.