

Administrative Order 2019-02

Make-Up Parenting Time Policy

IT IS ORDERED:

This administrative order is issued in accordance with MCL 552.642, effective November 1, 2019. The purpose of this order is to establish a make-up parenting time policy to assist parents and/or third-party custodians to more effectively co-parent children when the parents' and/or third-party custodians' custodial / parenting time of the children is governed by a domestic relations order of the court. This order will be effective on November 1, 2019 upon approval by the State Court Administrative Office.

**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 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.

Effective date: November 1, 2019

Date: 10/04/2019

/S/  
Honorable Sara S. Lisznyai P43799  
Chief Judge of the 1<sup>st</sup> Judicial Circuit Court