

*If I have a denied parenting time complaint will the FOC assist me in collecting evidence to support my complaint?*

No, the FOC is not responsible for gathering information or evidence for a parent. The burden of proof is the sole responsibility of the complaining parent.

*Will I get in trouble if I do not allow my children to go with the mother/father for their parenting time, when they appear to be intoxicated?*

The FOC cannot give approval to disobey a court order regardless of the circumstances.

*Our court order gives us joint physical custody with a specific parenting plan. However, the other parent is not getting the children during their time. What can I do?*

The FOC treats custody time and parenting time differently when it comes to enforcement. Custody time is that time each parent has primary responsibility for their children, In other words, this time is an obligation, and the FOC would take enforcement action after a custody complaint was filed. This is different from parenting time, in that a parent may elect not to exercise their parenting time as ordered by the court, and the FOC cannot force that parent to use the allotted time.

*The FOC processed my parenting time complaint, but did not take the case directly to the court. Instead, a settlement conference was scheduled. Why?*

One of the functions of the FOC is to conserve court time. Therefore, the FOC often schedules a settlement conference to assist the parents to reach an agreement that resolves the particular complaint, but also may resolve future complaints of the same nature.

**Here are some explanations that the local court has determined generally are not valid for denying parenting time:**

1. The children had a minor illness
2. The children had to go somewhere else.
3. The other parent is behind in child support.
4. The custodial parent did not want the children to go.
5. The weather was bad.
6. The children had no clothes to wear.
7. The children refused to go.
8. The other parent failed to meet non-court ordered preconditions establish by the parent denying parenting time.
9. Religious reasons.

**Examples of valid explanations may be:**

1. The parent attempting parenting time was drinking or using drugs.
2. The parent failed to arrive for parenting time within one half hour of the time specified in the order.

Other brochures you may be interested in are:

Parenting Time  
Co-Parenting Tips  
Co-parent sessions  
Conciliation  
Mediation

Custody/Parenting Time Evaluations

Additional resources to assist you can be found at [www.accesskent.com](http://www.accesskent.com) or a community resources list is available at [www.familyresourceguide.info/](http://www.familyresourceguide.info/)

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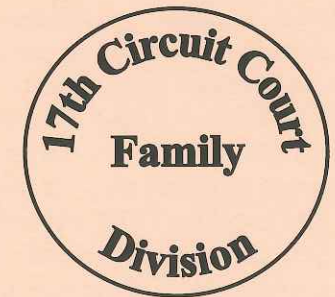
# Parenting Time Enforcement

(Frequently Asked Questions)



## Friend of the Court

### *“For Our Children”*



2016



# Parenting Time Enforcement

## Frequently Asked Questions

*I made arrangements with my children's mother to trade a weekend so that the children could attend my wedding. The children's mother got the extra weekend, but now refuses to let our children be with me on what would have been her regularly scheduled weekend. Can't the Friend of the Court require that I get this weekend?*

The Friend of the Court cannot enforce informal agreements between the parties. When you elected to trade weekends, you are operating outside the court's order. The Friend of the Court (FOC) can enforce the Order of the Court only. While it is encouraged that you, as parents, work cooperatively to meet the needs of your children, the FOC has no authority to make the other parent keep the agreement. What you can do in the future is request mediation services so that the agreement can become the order of the court, thereby making it enforceable.

*Our 16 year old son has six weeks each summer with his father. Our son would like to get a job and go to football camp, but this would hinder his time with his father. Do I have to make him go for this parenting time? Can I refuse to let him go?*

Every situation is different. Do the parents live close enough in proximity that your son could have a job and get to work from both parent's homes? Is the other parent willing to work out some kind of arrangement so that your son's needs are met? If you are cooperative, then working with the other parent through mediation may be helpful. If not, you can file a motion with the court to request a modification of the order. If you simply deny the parenting time, you can be held accountable.

*Our court order identifies which holiday each parent is to have the children. Our children's birthdays are holidays according to the order. Recently, I was told by the other parent that the birthday holiday is only for the child who has the birthday. Is that accurate?*

It is not accurate. All holidays are for all children to be spending time with the parent identified in the court order.

*My children were not returned to me by their mother following the weekend parenting time. What can I do?*

The first thing to do is try and contact the mother to inform her that you will be coming to get your children even if she is the one responsible to provide transportation. You can file a parenting time complaint after you have demonstrated that you have made an effort to get your children back.

*At what age can a child decide if they want to have parenting time?*

When a child turns 18 years old, they can decide how and when they see their parents.

*I do not like the sleeping arrangement the other parent has during their parenting time. What can I do about it?*

The Court does not require a bed, bedroom or specific bedding. There is no policy from the Court or Child Protective Services (CPS) regarding sleeping arrangements. However, it is recommended that children of different genders do not sleep together. If you suspect abuse you should contact CPS.

*My ex is bringing a date over during his/her parenting time and the children are telling me they don't like seeing them kiss and they feel ignored. Is this allowed?*

Most experts believe premature exposure to dating during a divorce or separation is

harmful to child/ren. However, once a divorce is final it is often unavoidable and normal. It is suggested, depending on age of child/ren, new romantic interests should be introduced gradually. Particular attention and sensitivity should be paid to the children's feelings as opposed to what the adults or parents want to happen. It is expected that parents will meet other people, date, and remarry or enter into a long term relationship. How this is communicated to your children is up to both parents and their abilities, but you may want to consult a counselor or other professional if you are unsure.

*I believe the house of the other parent is unsuitable and unsafe for parenting time and the children are left around violent adults. Can the FOC investigate this for me?*

Neglect and abuse issues are investigated by Protective Services, not the FOC. If Children's Protective Services (CPS) verifies neglect or abuse you may want to file an In Pro Motion, or contact an attorney to modify your parenting time to reflect neglect and abuse concerns.

*The mother of my children is constantly changing schools and not informing me about doctor appointments for our child. We have joint legal custody. Can the FOC help me address this problem?*

The FOC does not enforce joint legal custody issues. Joint legal custody includes important decisions affecting the welfare of child/ren, (health and medical, education and religion). You may want to ask the other parent if they are willing to participate in counseling with you so that parenting issues can be discussed. If the other parent is unwilling to work with you about important decisions regarding your child, you can file a motion, either on your own or through an attorney, and request the court to enforce joint legal custody.