

Parenting Time

The Kent County Friend of the Court (FOC) has the statutory responsibility to enforce court orders regarding parenting time. The FOC's Parenting Time Unit is dedicated to helping resolve disputes and to take action to make sure children's rights to know the other parent are protected. The Parenting Time Unit will assist parents by encouraging and fostering both parents' involvement in the resolution. This includes educating and facilitating parents to address their complaints/concerns toward a resolution that is in the best interest of the children. Resolution of a dispute may call for a parent to be held accountable for behavior that is in contradiction with the court order.

Parenting time is usually addressed in a particular provision of the Judgment/Order. The arrangement or schedule of parenting time in the Judgment/Order provides the basic rules on how parenting time is to occur. If there is not a specific parenting time provision in the Judgment/Order, it may be necessary to seek modification through mediation, consultation with an attorney, or by filing an In Pro Per Petition. (The FOC offers mediation services to assist in resolving disputes without court action. Please see our brochure on Mediation).

Parents need to know what is contained in their order regarding parenting time. The FOC does not provide copies of court orders to parents, but copies can be obtained from the Clerk of the Court located in the Kent County Courthouse. Parents should also maintain their own records which may be useful in the event the matter must be taken before the court. However, **court action is always considered as a last resort to resolve disputes.**

Parenting Time Policies: There are areas of parenting time that are not always specifically addressed in the parenting time order. In the absence of a specific order addressing these areas, the FOC will enforce the following:

Transportation - The parent exercising their parenting time will provide transportation for parenting time unless otherwise provided for in the order. He/She shall be responsible for transporting the child/ren to and from the primary residence of the other parent. *If the order grants joint physical custody, each parent will provide transportation at the onset of their physical custody time.*

Physical Attempt - The parent exercising parenting time must be at the court ordered location at the court ordered time, on the court ordered day, to attempt their parenting time. The FOC may exercise some discretion if there is long distance travel. Third parties may be allowed to make the physical attempt if provided for in the order.

Tardiness - There is ½ hour flexibility after the specified exchange time, on occasion, for good reason. *This should not be abused.*

Week - A week is seven (7) consecutive overnights to encompass the regularly scheduled weekend of the parent exercising parenting time, beginning and ending on the same day of the week, and at the same time of the day.

Weekend Rotation - The weekend schedule should not change even though it may be interrupted by holidays or extended parenting time.

School Breaks - (Christmas, Winter, and Spring) School breaks will be enforced if defined in the court order with a beginning and end. However, if the order identifies school breaks but does not include a beginning and end, FOC can offer a co-parent session to assist parents in further defining their order regarding school breaks.

Summer Parenting Time - If the order provides for extended parenting time in the summer, but it does not define when it begins and ends, the FOC will not be able to initiate an enforcement hearing. However, FOC can offer a co-parent session to assist parents in defining summer parenting time,

provided the parents demonstrate that they have attempted to schedule summer parenting time but have been unsuccessful.

Holidays - Holidays take precedence over all other parenting time. However, FOC can only enforce holidays if they are specifically defined in the court order.

Enforcing Parenting Time: The FOC is a neutral agency, and does not take a side for either mother or father when enforcing parenting time. Parents can make changes and deviate from their parenting time order when they both agree. However, if these agreements break down, the FOC cannot enforce agreements made outside of the court order. Should a parent change parenting time or deny parenting time without the consent of the other parent, the FOC may be able to assist with the enforcement of the order. The FOC will take action to enforce the parenting time ordered by the court until the child is 18 years old.

Written Complaint - When the order is not followed by one of the parents, and assistance is desired, the other parent must file a written complaint with the FOC within 56 days of the violation. When a complaint is filed, the burden of proof that the order was violated is always the responsibility of the complaining parent, not the FOC.

Valid Complaint – This is a written complaint that was filed with the FOC within 56 days of the violation and has been reviewed by the Parenting Time Unit and appears to be in violation of the court order.

Invalid Complaint – This is a written complaint that was filed with the FOC and was unable to be determined valid. The FOC will return the complaint with information why the FOC could *not* process it. Some reasons the complaint could not be considered valid include:

- The order does not state specific times and dates for parenting time.

- The order has specific days and times, but the parent failed to make a physical attempt because the other parent informed via phone call, e-mail or letter that they would not allow parenting time. This is not enough to be considered a valid complaint. A physical attempt must still be made.
- Not enough information was provided in the complaint to make a determination.

21- Day Notice - Once the FOC determines that a complaint is “valid” as an alleged violation of the court order, a copy is sent to the other parent and they have 21 days to respond in writing. The complaining parent will receive a copy of the other parent’s response.

Possible outcomes from this point are: the complaint could be terminated, a Settlement Conference could be scheduled, an Order to Show Cause Hearing could be scheduled, or a proposed order could be submitted to the court.

Withholding Parenting Time: The FOC staff cannot give approval to disobey a court order, regardless of the circumstances. Parents are responsible for their own decisions and actions.

Personal Protection Orders and Parenting Time: Obtaining a Personal Protection Order (PPO) does not terminate the existing Circuit Court order for parenting time. However, it may impact parenting time exchanges. Parents may need to take additional measures to ensure that transfers occur smoothly. For example, parents can have either the PPO or Circuit Court parenting time order modified to define how exchanges are to occur. If neither order addresses exchanges in light of the PPO, the FOC still requires that a physical attempt be at the residence/exchange location. Under these circumstances it is suggested that:

- 1) The parent exercising parenting time should remain off the property of the other parent.
- 2) A third party may be sent to the door to greet the child/ren.

- 3) The parent exercising parenting time could have a copy of the court order and PPO order with him or her.
- 4) Possibly consider calling the police to request an escort, however, the police may or may not assist you.

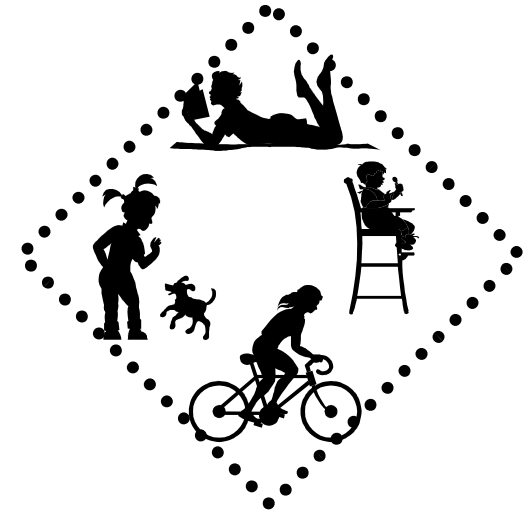
When parents do not exercise their court ordered parenting time: There are some parents who have court ordered parenting time, but do not exercise parenting time or are sporadic in seeing their children. The FOC acknowledges that this is often harmful and confusing to a child, but the FOC cannot assist in enforcing a parent to exercise their parenting time. However, how the adults react to this situation can make a big difference in how harmful the situation will be.

- Don’t:
- Blame the other parent
 - Make negative comments about the other parent

- Do:
- Let the child/ren express their feelings (without adding comments)
 - Acknowledge that the child misses the other parent
 - Assist by opening the communication between the other parent and your child. (An example might be to help to select a card, locate a telephone number or put a stamp on an envelope to help accomplish this.)

For more information about other services, please see the web site at www.accesskent.com or read other available brochures developed by the Kent County FOC.

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Kent County
Friend of the Court

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