



# KENT FOC NEWSLETTER

## MARCH 2008

Kent FOC Main Number 632—6888

Office Hours: Monday through Friday 8:00 a.m. to 5:00 p.m.

[www.accesskent.com/foc](http://www.accesskent.com/foc)

### **News about Incarceration Credit.**

The Friend of the Court has been receiving many requests for incarceration credit, where unfortunately the client is not eligible for the credit.

To be eligible for incarceration credit, a client must have state arrears, and the credit can only be given towards state arrears that occurred while the client was incarcerated. An incarceration credit cannot be applied to state arrears that accrued during a period when the client was not incarcerated, nor can it be applied to arrears owed to a custodial parent. However, if a client has a large amount of state arrears that are not eligible for incarceration credit, credit may be given towards surcharging that occurred while the client was incarcerated.

For questions regarding incarceration credit, please contact the Friend of the Court main number at 632 - 6888.

**Reminder:** It is not too early to begin communicating with the other parent about summer parenting time plans. Some orders state that requests for parenting time dates have to be presented by a certain date. If you have questions regarding summer parenting time, please contact our Parenting Time Unit at (616) 632 - 6842.

**? Question of the Month:** I have physical custody of my child and her mother is not paying the court ordered support. Do I still have to allow parenting time?

Yes, you must still allow parenting time to take place if your order contains specific parenting time language. Typically, the support and the parenting time provisions in the order are separate components and each must be adhered to. In the event support is not paid, FOC will take enforcement action against a parent that fails to make their court-ordered support payments. Likewise, if the recipient of support fails to allow court-ordered parenting time (for any reason), they are subject to enforcement action if the other party files a valid parenting time complaint. If the complaint makes it all the way to a hearing, a judge or referee will hear both parties and the parent that denied parenting time must be prepared to defend their decision for denying the court-ordered parenting time.

If your circumstances have changed and you would like to request the court to modify your parenting time provision, you may do so through your attorney, or you may file an In Pro Per (representing yourself) motion with the court to request to change your parenting time. The forms are available online at the FOC website ([www.accesskent.com/foc](http://www.accesskent.com/foc)), in our lobby, or at the Legal Assistance Center at the Kent County Courthouse (5th floor).