

STATE OF MICHIGAN
52ND JUDICIAL CIRCUIT FAMILY DIVISION
HURON COUNTY

MAKE-UP PARENTING TIME

Because the Circuit Court Family Division strongly believes that it is important for a child to have a relationship with both parents, the court adopts a make-up parenting time policy pursuant to MCLA 552.642; MSA 25.164 (42).

Just as a non-custodial parent can build up an arrearage by not paying child support, a custodial parent can build up a "parenting time arrearage" when he/she wrongfully denies the non-custodial parent his/her regular court ordered parenting time. Wrongfully-denied parenting time shall be made up at a later date with the same type of parenting time that was denied, i.e. weekend for weekend, holiday for holiday, or summer for summer.

Holiday make-up parenting time shall be taken at a time determined by the non-custodial parent **within one year** of the time he/she was wrongfully denied parenting time. Weekday or weekend make-up parenting time shall be taken as soon as reasonably possible following the denial but no more than sixty (60) days from the time he/she is found to have been wrongfully denied.

It will be the responsibility of the Friend of the Court to keep an accurate record of the alleged parenting time arrears, which shall be available to the court. In order to assure that the Friend of the Court has the correct information upon which to base a parenting time arrears account, the following procedure is adopted:

Within fifty-six (56) days of an alleged, wrongfully-denied parenting time, the non-custodial parent shall advise the Friend of the Court in writing of the date or dates of the alleged, wrongfully-denied parenting time. Within fourteen (14) working days, the Friend of the Court shall send to the custodial parent a notice of the application of this policy and the alleged denial. This notice shall contain the following statement in boldface type:

FAILURE TO RESPOND IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT WITHIN 21 DAYS AFTER THIS NOTICE WAS SENT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKEUP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL APPLY.

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

If the custodial parent makes a timely reply with an explanation as to why he/she feels parenting time was not wrongfully denied, the Friend of the Court shall attempt to resolve the dispute and, if unable to do so, the matter may be referred to the court. Notice shall be given to both parties.

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The following are examples of explanations by the custodial parent for denial of parenting time which are **NOT** acceptable:

- Child has a minor illness;
- child had to go somewhere else;
- child was not home;
- non-custodial parent is behind in support obligation;
- custodial parent did not want the child to go for parenting time;
- weather was bad;
- child had no clothes to wear;
- child refused to go;
- non-custodial parent failed to meet preconditions unilaterally established by the custodial parent; religious reasons, unless provided in a court order.

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

- Non-custodial parent was impaired by drugs or alcohol at the time of parenting time;
- non-custodial parent failed to arrive for parenting time within one-half hour of the time specified in the order unless otherwise arranged by the parties;
- the child had a major illness (proven by a doctor's statement);
- the non-custodial parent failed to meet mutually agreed to or court-established preconditions (written and signed by both parties);
- non-custodial parent has established a pattern of failing to exercise scheduled parenting time.

After a determination that parenting time was wrongfully denied, the Office of the Friend of the Court shall adjust the parenting time arrears accordingly.

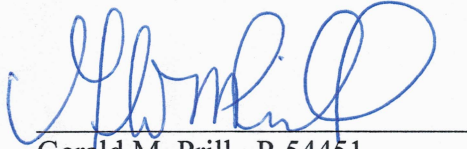
The non-custodial parent shall give to the Office of the Friend of the Court and custodial parent a written notice of intent to make-up parenting time at least seven (7) days before a make-up weekday or weekend and at least twenty-eight (28) days before a make-up holiday or make-up summer parenting time.

The Friend of the Court will adjust the parenting time arrears only after the custodial parent advised in writing that the parenting time has been made up.

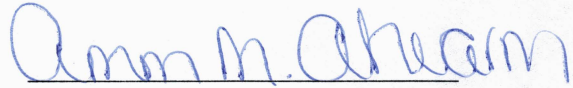
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APPROVAL

The above definition of *Reasonable Parenting Time* and the *Make-Up Parenting Time* policy are approved on this 15th day of January, 2016.



Gerald M. Prill P-54451
Circuit Judge



Ann M. Ahearn
Friend of the Court

Should you have any questions regarding the definition of reasonable parenting time or make-up parenting time policy, please contact the Friend of the Court Office in writing stating the information you need clarified.