

**WAYNE COUNTY CIRCUIT COURT
MAKE-UP PARENTING TIME POLICY**

POLICY

The Wayne County Circuit Court strongly believes that it is very important for a child to have a good relationship with both parents. Furthermore, both parents should facilitate and encourage the relationship the child has with the other parent. As a means toward ensuring good parent-child relationships, the Wayne County Circuit Court has created a make-up parenting time policy under which a parent who has been wrongfully denied parenting time is able to make up the parenting time at a later date.

PROCEDURES

Request for Parenting Time/Custody Order Enforcement (Form FD/FOC 4052). A parent who believes parenting time has been wrongfully denied can complete this form and submit it to the Friend of the Court for review. This form is available at the Wayne County Friend of the Court (2nd floor), Room 900A of the Coleman A. Young Municipal Center and on-line at www.3rdcc.org. Be sure to fill out the form in ink, attach a copy of your current parenting time Order, and include your current address and telephone number. **Parenting time enforcement requests must be filed within 56-days of the date of the denied parenting time.**

PLEASE NOTE: The other party *will* receive a copy of your parenting time enforcement request.

Once you file the request for parenting time enforcement, your request will be reviewed.

The other party *may* receive a 21-Day Notice to Alleged Violator of Legal Custody or Parenting Time Provisions. The other party will have the chance to explain why he/she denied your parenting time.

You will receive a letter after your documents have been reviewed by the Family Assessment, Mediation and Education (FAME) Department. The letter will tell you:

- * If your documents have been accepted;
- * If you are awarded make-up parenting time based on the other party's response to the 21-Day Notice to Alleged Violator of Legal Custody or Parenting Time Provisions.
- * If your case is being scheduled for a mediation with the Dispute Resolution Unit of the Family Assessment, Mediation and Education (FAME) Department;
- * If your case is being scheduled for a hearing before the assigned Parenting Time Referee; or
- * If your case is being scheduled for a hearing before the Judge that is assigned to your case.

*** Hearings and mediations will take place in Room 1913 (19th floor) of the Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit MI 48226.**

Notice of Hearing. The Wayne County Friend of the Court will send out notices for any scheduled mediation or hearing. The notice will include the following provision:

NOTICE TO RESPONDENT OF A REQUEST FOR PARENTING TIME ENFORCEMENT: FAILURE TO APPEAR FOR THE MEDIATION OR HEARING AS SCHEDULED ABOVE SHALL BE CONSIDERED AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKE-UP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE APPLIED AND OTHER RELIEF CONSIDERED.

Referee Hearing. At the hearing, both parties will have the opportunity to speak to the Referee. After hearing from the parties, the Referee will make a recommendation that *may* include make-up parenting time. The following may be considered by the Referee if make-up parenting time is recommended:

- * Make-up parenting time should be at least the same type and duration of parenting time as the parenting time that was denied. For example, weekend parenting time for weekend parenting time, holiday parenting time for holiday parenting time, weekday parenting time for weekday parenting time, and summer parenting time for summer parenting time.
- * Make-up parenting time shall be taken within 1-year after the wrongfully denied parenting time occurred.
- * The complaining parent may request the time of the make-up parenting time.

Examples of parenting time denial. Parents give many reasons why parenting time was denied. These reasons may or may not be acceptable to the Court.

The following are examples of reasons that are generally ***not acceptable***:

1. The child had a minor illness.
2. The child had to go someplace else.
3. The child was not home.
4. The noncustodial parent is behind in his/her support obligation.
5. The custodial parent did not want the child to go on parenting time.
6. The custodial parent forgot about the parenting time.
7. The weather was bad.
8. The child had no clothes to wear.
9. The child refused to go.
10. The noncustodial parent failed to meet preconditions unilaterally set by the custodial parent.
11. Religious reasons, unless provided for in the Court Order.

The following are examples of reasons that are generally **acceptable**:

1. The noncustodial parent was impaired by drugs or alcohol at the time of parenting time.
2. The noncustodial parent failed to arrive for parenting time within one-half hour of the time specified in the court order unless otherwise arranged by the parties.
3. The child had a major illness.
4. The noncustodial parent failed to meet mutually agreed to or court established preconditions.