

**NEWAYGO COUNTY CIRCUIT COURT SERVICES
FRIEND OF THE COURT DIVISION**

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**MAKE-UP
PARENTING TIME
POLICY**

Adopted: September 4, 2002

STATE OF MICHIGAN 27 TH JUDICIAL CIRCUIT NEWAYGO COUNTY	MAKE-UP PARENTING TIME POLICY	FOC POLICY NO: 03-2002 ADOPTED: 9/4/2002
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POLICY

It is the policy of the Newaygo County Friend of the Court, in its enforcement of parenting time rights, to use the concept of “make-up parenting time” as a means of ensuring that parenting time rights are upheld, that missed parenting time is routinely made up, and that the parties themselves assume the principal responsibility for the operation of the parenting time program. This policy recognizes that some statutory remedies for enforcing parenting time may be ill suited to accomplish the policy goals of parenting time, whereas make-up parenting time is a logical, non-punitive way of maintaining the relationships of children and non-custodial parents.

PROCEDURE

- I. The parenting time schedule set forth in the Judgment or Order shall be adhered to unless:
 - a. The parties both agree that a particular parenting time occasion may be omitted or altered, and the parties have signed an agreement to this effect. The parties shall at that time agree upon and arrange for a make-up parenting time visit. If the parties wish to permanently alter the parenting time schedule, a stipulation and Order should be prepared and entered with the Court.
 - b. The non-custodial parent gives notice of intent to miss a parenting time occasion, although the custodial parent is prepared to adhere to the schedule.
 - c. It is medically inadvisable for a child to take part in a scheduled parenting time visit, and a physician confirms this in writing.

- II. Application of the make-up parenting time policy means:
 - a. Make-up parenting time shall be of the same type and duration as that which was denied, including but not limited to weekend for weekend, holiday for holiday, weekday for weekday, and summer extended parenting time for summer extended parenting time. Additional sanctions may be applied, pursuant to the Parenting Time Enforcement Policy.
 - b. Make-up parenting time shall be taken within 90 days of the wrongfully denied parenting time, or later at the option of the non-custodial parent, but in no event later than 15 months from the date of the denied parenting time.
 - c. The date and time of the make-up parenting time shall be chosen by the non-custodial parent.

- d. Where the non-custodial parent fails to appear for a parenting time occasion, without notice to the custodial parent of the child(ren), no make-up parenting time will be scheduled.
- e. After notice has been provided to the parties of the make-up parenting time policy of the Court, if a wrongfully denied parenting time is alleged in writing to the Friend of the Court and the Friend of the Court determines that the make-up parenting time policy is an appropriate remedy:
 - i. A notice shall be sent to the custodial parent within 5 days of the receipt of the written complaint that the complaint has been received. The notice shall contain the following statement in boldfaced type of not less than 12 points:

“FAILURE TO RESPOND IN 21 DAYS TO THE OFFICE OF THE FRIEND OF THE COURT SHALL BE CONSIDERED AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THIS OFFICE WILL NOTE THE ALLEGED DEFICIENCY AS A PARENTING TIME ARREARAGE.”
 - ii. If the custodial parent makes a timely reply contesting the allegation of wrongful denial of parenting time, the Friend of the Court shall provide to the parties notice of a hearing before the Court and a notice of a conference at the Friend of the Court to attempt to settle the matter prior to the hearing.
 - iii. If the matter is not settled prior to the hearing, the Court shall determine whether parenting time was wrongfully denied. At any hearing concerning make-up parenting time or wrongful denial, the parties shall produce any relevant evidence supporting their claims, for the Court to consider in determining whether a parenting time arrearage exists.
 - iv. If the hearing provided under subdivision (b) is held before a referee, either party is entitled to a de novo hearing before a circuit court judge as provided in section 7(5) of Act No. 294 of the Public Acts of 1982, being section 552.507 of the Michigan Compiled Laws.
 - v. After a final determination that parenting time was wrongfully denied, the Court shall order make-up parenting time in a manner consistent with this policy, either in lieu of or in addition to other remedies as set forth per statute. (MCR 552.644)
 - vi. Upon a determination of a wrongful denial and entry of the Court’s Order, the non-custodial parent shall give to the office of the Friend of the Court and custodial parent a written notice of the date(s) and time(s) of the make-up parenting time(s) ordered by the Court. Such notice shall be given no less than 1 week before a make-up weekday or weekend

parenting time and 30 days prior to a make-up holiday or extended summer parenting time.

- vii. At any hearing on alleged denial of parenting time, the Court, in its discretion, at the conclusion of the hearing, and in addition to any fines, jail sanctions, or other remedies, may assess costs against one or both of the parties.

OMISSIONS AND OVERSIGHTS

In the event a matter or situation arises that is not otherwise provided for in this policy, the office of the Newaygo County Friend of the Court shall have authority to render an opinion. The personnel of the Friend of the Court office, in reaching an opinion, shall rely on the Michigan Parenting Time Guideline, as published by the Michigan Supreme Court, and/or, the usual past practices of the Newaygo County Circuit Court.

APPROVED AND ADOPTED

DATE: _____

Honorable Terrence R. Thomas
Chief Circuit Judge of the 27th Circuit Court

DATE: _____

Honorable Anthony A. Monton
Circuit Judge of the 27th Circuit Court

DATE: _____

Honorable Graydon W. Dimkoff
Newaygo County Probate Judge, *assigned to the
Newaygo County Circuit Court Family Division*