

Makeup Parenting Time Model Policy

The circuit court bench strongly believes that it is important for a child to have a good relationship with both parents and has, therefore, adopted a makeup parenting time policy.

The friend of the court will apply this makeup parenting time policy in all cases where one parent has wrongfully denied parenting time to the other and the friend of the court determines that makeup parenting time is the appropriate method of enforcement. Court orders, joint meetings, mediation, and contempt proceedings are alternative methods of enforcement available to the friend of the court.

Parenting time is every child's right. Responsible parents will put individual differences aside and deal with each other in good faith to see that parenting time is encouraged. The following explanations by a parent for denying parenting time are generally not valid:

1. The child(ren) has a minor illness.
2. The child(ren) had to go somewhere else.
3. The child(ren) was not home.
4. The noncustodial party is behind in support.
5. The custodial parent did not want the child(ren) to go.
6. The weather was bad.
7. The child(ren) had no clothes to wear.
8. The child(ren) refused to go.
9. The other party failed to meet preconditions unilaterally established by the party allegedly denying parenting time.
10. Religious reasons.

Examples of explanations which may be valid are:

1. That the noncustodial parent was drinking or using drugs.
2. That the noncustodial parent failed to arrive for parenting time within one half hour of the time specified in the order.

Determination of valid claim.

The friend of the court must first determine if the alleged violation states something which is enforceable under the court's parenting time order. If the friend of the court finds that it does, it must send the following notice as required by MCL 552.642(2):

**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 BE APPLIED.**

As required by MCL 552.642(3), the party sent the notice must respond in writing to the friend of the court office within 21 days after the office sends the notice to prevent application of makeup parenting time.

Procedure after response or the time for response passes.

If the responding party timely provides a response, the friend of the court shall initiate one of the other enforcement methods available under MCL 552.641.

If a written response is not provided to the friend of the court within 21 days of when the notice was sent, the friend of the court shall apply makeup parenting time as set forth in MCL 552.642(1):

- (a) That makeup parenting time shall be at least the same type and duration of parenting time as the parenting time that was denied, including but not limited to 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.
- (b) That makeup parenting time shall be taken within 1 year after the wrongfully denied parenting time was to have occurred.
- (c) That the wrongfully denied parent shall choose the time of the makeup parenting time.
- (d) That the wrongfully denied parent shall notify both the office of the friend of the court and the other parent in writing not less than 1 week before making use of makeup weekend or weekday parenting time or not less than 28 days before making use of makeup holiday or summer parenting time.