

TUSCOLA COUNTY FRIEND OF THE COURT PARENTING TIME GUIDELINES



EFFECTIVE: October 01, 2023

Unless your court order specifies otherwise, the Friend of the Court will enforce the most recent version of the Tuscola County Friend of the Court Parenting Time Guidelines.

Tuscola County Friend of the Court
440 N. State Street
Caro, MI 48723
989-673-4848
foc@tuscolacounty.org

Generally, it is in the best interest of a child to maintain an active and involved relationship with both parents. Both parents bring unique skills to parenting which together enrich the development of their child.

Parents may agree to their own parenting time plan. As a last resort, parents may use the following proposed schedule options.

If stated in the court order that the parent shall follow the Friend of the Court (FOC) Parenting Time Guidelines, the following shall apply:

SCHOOL YEAR

Children Under 3 Years: Because of the unique needs of young children, particularly those under age 3, parents are encouraged to work together to create a schedule that best meets the needs of their child(ren). Unless otherwise agreed, the following schedule shall apply:

Every Monday and Wednesday from 3pm – 7pm, and every other Friday at 4pm until Sunday at 4pm year round.

Children Over 3 Years: Parents are encouraged to work together to create a schedule that best meets the needs of their child(ren). Unless otherwise agreed, the following schedule shall apply:

Parents living within 100 miles:

The non-custodial parent shall be entitled to parenting time during the school year as follows:

Option A [*to be used unless otherwise stated in the court order*]- Parents shall alternate weekends, beginning Friday at 4pm until Sunday at 4pm, with the non-custodial parent receiving the first full weekend following the entry of the court order setting forth parenting time. Additionally, the non-custodial parent shall have parenting time every Wednesday after school (or 3pm if there is no school), until 7pm. The non-custodial parent must provide all exchange transportation for their Wednesday parenting time.

Option B – Parents shall alternate weekends, beginning Thursday at 4pm until Sunday at 4pm, with the non-custodial parent receiving the first full weekend following the entry of the court order setting forth parenting time. Additionally, during the week that they do not have upcoming weekend parenting time, the non-custodial parent shall have parenting time on Wednesday after school (or 3pm if there is no school), until 7pm. The non-custodial parent must provide all exchange transportation for their Wednesday parenting time.

Option C – Parents shall alternate weekly parenting time all year (Sunday 4pm exchanges). Spring break will not be enforced, but will be exercised by the parent whose regular weekly parenting time takes place during that week.

Parents living 100+ miles apart:

Upon providing at least 72 hours' notice, the non-custodial parent shall exercise parenting time on the 3rd weekend of each month during the school year, from Friday at 6pm to Sunday at 6pm.

SUMMER

Children Under 3 Years: The school year parenting time schedule remains year round as detailed above for a child under 3 years; there is no additional summer parenting time schedule for a child under age 3. However, if there are older siblings, all children shall follow the oldest child's summer parenting time schedule. *Please note: the FOC cannot enforce this for half- or step-siblings.*

Children Over 3 Years: Beginning with the non-custodial parent, parenting time shall alternate starting on the first Sunday after the last day of school according to an option below. The summer parenting time schedule shall continue until the Sunday prior to the start of the next school year.

Please note: the non-custodial parent shall have parenting time with the child(ren) for the first weekend after school resumes.

Parents living within 100 miles:

Option A [to be used unless otherwise stated in the court order]- Parents shall alternate weekly (Sunday 4pm exchanges).

Option B - Parents shall alternate every two weeks (Sunday 4pm exchanges).

Please note: If the child is over age 3, but not yet in school (young 5's or kindergarten is the first recognized school grade), summer parenting time will begin on the first Sunday following the completion of the school year in the district in which the child primarily resides and will continue until the Sunday prior to school resuming.

Parents living 100+ miles apart:

Option A - [to be used unless otherwise stated in the court order] – Parents shall alternate weekly (Sunday 6pm exchanges).

Option B – Parents shall alternate every two weeks (Sunday 6pm exchanges).

Option C - The non-custodial parent shall have the first half of the summer break, beginning at 6pm on the first Sunday after school ends, until 6pm on Sunday 6 weeks later.

Please note: If the child is over age 3, but not yet in school (young 5's or kindergarten is the first recognized school grade), summer parenting time will begin on the first Sunday following the completion of the school year in the district in which the child primarily resides and will continue until the Sunday prior to school resuming.

HOLIDAY AND BIRTHDAY PARENTING TIME

Holiday and birthday parenting time schedules pose unique challenges for young children. Both are very special for children, and parents are encouraged to work together to create a holiday schedule that meets the needs of both the parents and the child(ren). Unless the parents can agree otherwise, the following schedule will apply:

| HOLIDAY* | ODD YEARS | EVEN YEARS | TIME |
|--|-----------|------------|---|
| Easter Day | Father | Mother | Saturday at 4pm to Sunday at 4pm |
| Spring Break** (except alt. weekly schedules) | Mother | Father | 4pm on the last day of school to 4pm on Sunday one week later |
| Mother's Day | Mother | Mother | Saturday at 4pm to Sunday at 4pm |
| Father's Day | Father | Father | Saturday at 4pm to Sunday at 4pm |
| 4 th of July | Father | Mother | July 3 rd at 4pm to July 5 th at 4pm |
| Halloween *** | Father | Mother | 3:30pm to 7:30pm |
| Thanksgiving | Mother | Father | Wednesday at 4pm to Friday at 4pm |
| Christmas Eve**** | Mother | Father | 4pm on the last day of school to Dec. 24 th at 8pm |
| Christmas Day**** | Father | Mother | Dec. 24 th at 8pm to Dec. 31 st at 4pm |
| Child's Birthday *** | Mother | Father | 4pm on the day before until 4pm on the birthday |

* If a parent observes a holiday which is not provided for above, please inform the FOC so that an alternative schedule can be implemented.

** Spring break for children age 3yrs. +

*** To be exercised within 30 miles of the child(ren)'s primary residence (with the exception of summer birthdays and birthdays that do not fall on a school night).

**** See Christmas parenting time for children under 3 years in the chart below:

| Children under 3 years | ODD YEARS | EVEN YEARS | TIME |
|------------------------|-----------|------------|--|
| Christmas Eve | Mother | Father | Dec. 22 nd at 4pm until Dec. 24 th at 8pm |
| Christmas Day | Father | Mother | Dec. 24 th at 8pm until Dec. 26 th at 4pm. |

- The above holiday and birthday parenting time schedules take precedence over school year and summer parenting time, with the exception of the following:
 - Birthday parenting time does not take precedence over holiday parenting time.
- All siblings shall follow the oldest child's holiday and birthday schedules so that the children are together for this parenting time. *Please note: the FOC cannot enforce this for half- or step-siblings.*
- Upon completion of the holiday parenting time, regular/summer parenting time shall resume as though no interruption to the schedule had occurred, unless otherwise stated in these guidelines.

TELEPHONE PARENTING TIME

Young children may only need or desire brief phone interactions, while older children may enjoy more phone contact but have busier schedules. Therefore, it is necessary for both parents to be reasonable and flexible in seeking and permitting telephone parenting time based on the children's ages and activities.

- For purposes of these guidelines, "reasonable" is defined as telephone contact at least 2 times per week, for the non-custodial parent. If the parents cannot agree on the days and time, telephone contact shall be on Tuesdays and Thursdays at 6:30pm for at least 15 minutes, but no more than 30 minutes.
- Telephone communication may be initiated by the custodial parent, non-custodial parent or child. Skype, FaceTime, Zoom, gaming systems, Messenger, or another form of verbal/visual contact may be used instead of telephone calls.
- Both the custodial and non-custodial parent are entitled to telephone parenting time during summer parenting time if following a Parenting Time Guidelines summer parenting time schedule.
- Holiday and birthday parenting time takes precedence over telephone parenting time.

TRANSPORTATION: Unless specified by court order and in the event that parents cannot agree, whichever parent is beginning their parenting time must arrange to pick the child(ren) up at the other parent's residence.* A party may make arrangements for another responsible person to pick the child(ren) up so long as the individual has a valid driver's license and the children are familiar with him or her. The person must not be listed on a registry for sexual misconduct, child abuse, or neglect; unless the person is the child's parent and has been awarded parenting time. Advance notice shall be provided to the other parent whenever arrangements are made for a non-parent to transport the minor child(ren) for parenting time purposes. The person providing transportation must have appropriate child restraints for the child(ren). Additionally, in the event that one parent moves over 100 miles from their residence at the time the case began, that parent shall provide all transportation unless otherwise agreed between the parents and written in the court order.

- **Emergencies:** If an emergency occurs which will make it extremely difficult or impossible to provide transportation, parents should take every step necessary to inform the other parent as soon as possible so they can work out an alternate arrangement.
- In the event that a parent/child is not at the designated exchange location at the scheduled pick-up/drop-off time, the parent/child must wait at least 15 minutes beyond the scheduled exchange time.
- If a parent will not be able to exercise their parenting time, they shall give the other parent 48 hours' notice.

*If there is a Personal Protection Order (PPO) between the parents or someone residing in their home, the parents shall comply with the terms of the PPO.

MAKE-UP PARENTING TIME

PARENTING TIME DENIED AFFIDAVIT: If a parent denies parenting time, the aggrieved parent may request make-up parenting time by filing a Parenting Time Denied Affidavit. Affidavits must be submitted within 56 days of the date of the alleged violation. If the FOC determines that a violation has occurred, the denied parent may receive makeup parenting time pursuant to MCL 552.642 and the FOC policy. Pursuant to the FOC Makeup Parenting Time Policy, all requests must be for the same type and duration of parenting time as the parenting time that was denied. Example: weekend for weekend, weekday for weekday, holiday for holiday, etc. Regular parenting time requires 7 days' notice, and summer or holiday parenting time requires 28 days' notice for makeup parenting time. If you are unsure whether your request meets the above criteria, please contact the FOC for clarification. The Parenting Time Denied Affidavit and the Makeup Parenting Time Policy can be found on the Friend of the Court website or in the Friend of the Court office.

MISCELLANEOUS PROVISIONS

COURT ORDERS: If the court order specifically states how and when parenting time shall be exercised, both parents must follow the specific terms in their court order. However, if the order states that parenting time is pursuant to the "Tuscola County FOC Parenting Time Guidelines," these guidelines will govern how and when parenting time shall occur, and affords parents the opportunity to reach their own agreement as to parenting time. If the parents cannot reach an agreement, the specific provisions contained in these guidelines will determine how parenting time must be exercised.

During the pendency of divorce cases only, the Friend of the Court strongly discourages parents from introducing unrelated significant others (boyfriend/girlfriend) or having them present during parenting time.

MOVING YOUR CHILD OUT OF STATE OR OUT OF SCHOOL DISTRICT (LEGAL RESIDENCE/DOMICILE): Parents cannot change the legal residence of a child to a different state without first receiving permission from the Court (**before moving**). Parents who share joint legal custody may also need to receive permission from the Court **before moving** over 100 miles within the State of Michigan (see MCL 722.31). If parents do not agree on a move over 100 miles, the parent requesting the move must file a motion and the matter will be set for a hearing with the Court.

CHILDREN'S MEDICAL NEEDS: The parent with legal custody shall make medical decisions unless otherwise ordered by the court. If parents share joint legal custody they must discuss and agree before making medical decisions. If an agreement cannot be reached, parents may file a motion for the court to decide.

Parents shall communicate the general health care needs of their child(ren) and advise each other of any illnesses and treatment requirements. A parent scheduling a doctor appointment for the minor child(ren) shall make the appointment during their own parenting time, unless otherwise agreed to by the other parent. Date/time/location of doctor's appointments are to be shared immediately with the other party after making the appointment in case they are able to attend.

Medical treatment information must be shared between the parents regardless of which parent initially sought treatment. A parent must provide all necessary medication in its original packaging, along with the doctor's written instructions, as well as any necessary medical equipment, to the parent exercising parenting time. Parents are to administer all medications according to the doctor's written instructions, unless they obtain subsequent doctor's instructions to alter or

discontinue usage. If a child requires medical attention during parenting time, that parent shall obtain treatment for the child and promptly notify the other parent of the need for treatment.

If a child's medical condition requires treatments, therapy, etc. that may substantially change the parenting time schedule, the parent(s) may seek to change the parenting time order.

EDUCATION: School matters shall be decided by the parent(s) with legal custody unless otherwise court ordered. In addition, if summer school is necessary for the child(ren) to pass to the next grade, the child(ren) must attend. If parents are unable to navigate summer parenting time due to an unexpected summer school schedule, they may request a Dispute Resolution Conference or alternatively file a motion.

EXTRACURRICULAR ACTIVITIES: Neither parent may enroll the child(ren) in an activity that occurs during the other parent's court ordered parenting time unless agreed to by the other parent. If agreed upon, both parents should make the child(ren) available to attend the activity during their parenting time. The parents should consider the following before they sign the child(ren) up: 1) what activity is agreed upon, 2) who will pay any costs associated with the activity; and 3) who will transport the child(ren) to and from the activity. If parents are unable to agree on activities such as team or organized sports, specialized instructional classes, church groups, etc., they may file a motion with the Court. If extracurricular activities will substantially change parenting time, the parent(s) may seek to change the parenting time order.

In addition, each parent shall help the child(ren) attend and participate in school-related performances and any other activities (as stated above) that the child is involved in. Both parents may attend and participate in the activities even if it is not their designated parenting time.

CLOTHING AND BELONGINGS: Unless the court order specifically states otherwise, each parent must provide certain items for the child(ren) during their own parenting time, including: car seats, clothing, cribs/bedding, baby bottles, formula, baby food and diapers. Any clothing or personal belongings that are with the child(ren) at the beginning of parenting time must be returned at the completion of parenting time in the condition they were received.

OUT OF STATE VACATION: Parents may take the child(ren) out of state for vacation so long as it is not prohibited by their court order and it is not during the other parents' scheduled time. If it overlaps with the other parents' scheduled parenting time, you must first request their permission. The FOC requires a parent to notify the other parent of the travel dates and location(s) and to provide an emergency contact phone number where the child(ren) can be reached, prior to the vacation.

FUNERALS AND WEDDINGS: The child(ren) shall be allowed to attend funerals and weddings of parents, step-parents, paternal and maternal grandparents, biological aunts and uncles, first cousins, half-siblings, and current step-siblings, as well as close family, friends and peers. The child(ren) shall be made available to the parent attending the event with sufficient time based on the circumstances. To have this enforced by a court order, the parent requesting the child(ren) shall submit a request to the FOC for a Dispute Resolution Conference (see section below), and the FOC may put the details of the parties' agreement in writing. Alternatively, the parent may file a motion to have the court make a decision. The parent requesting parenting time with their child(ren) pursuant to this section shall provide all transportation. The parent requesting the child(ren) shall give the other parent at least 1 months' notice, with the exception of funerals.

In addition, the parent requesting this parenting time agrees that makeup parenting time shall be given to the other parent. The parent who lost their parenting time will have 1 year after the missed parenting time was to have occurred to make it up. This makeup parenting time will be for the same type and duration of parenting time as the parenting time that was given up/missed due to the event (weekday, weekend, summer, or holiday). Please submit your request in writing or by email for makeup parenting time to the FOC and your request will be reviewed. The FOC will send both parties a written confirmation stating whether or not the makeup parenting time request is appropriate.


DISPUTE RESOLUTION CONFERENCE: This is a free and voluntary process at the FOC office with a parenting time coordinator to assist parents in working out a new parenting time arrangement. This meeting will be held only if both parents agree to participate. New agreements will be signed by the presiding judge, and can be enforced by the court once it is filed with the court clerk. The Dispute Resolution Conference Request form can be found on the FOC website or in the FOC office.

If either parent believes that their child is being abused or neglected, they should contact Child Protective Services at 1-855-444-3911. A parent may also consider filing a motion to modify the current custody or parenting time order and/or contact an attorney for assistance.

OMISSIONS AND OVERSIGHTS: In the event that a situation arises that is not provided for in this policy, the Office of the Tuscola County FOC shall have authority to render an opinion and issue a determination and recommended order subject to the parties' right to object. In reaching its determination, the FOC shall rely on the Michigan Parenting Time Guideline, as published by the Friend of the Court Bureau of the State Court Administrative Office, Michigan Supreme Court, which is available at: <https://www.courts.michigan.gov/administration/offices/friend-of-the-court-bureau/resources-by-topic/child-custody/> in the Publications and Tools dropdown menu.

APPROVED AND ADOPTED

DATED: 09.06.23



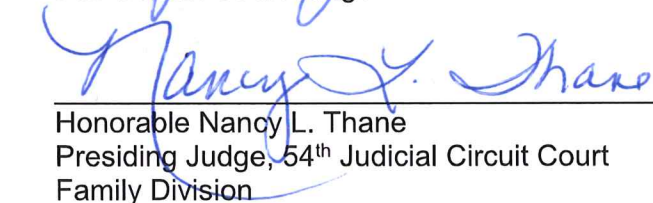
Honorable Amy Grace Gierhart
Chief Judge of the 54th Judicial Circuit Court

DATED: 9-06-2023



Honorable Jason E. Bitzer
71B District Court Judge

DATED: 9-6-23



Honorable Nancy L. Thane
Presiding Judge, 54th Judicial Circuit Court
Family Division