

8th JUDICIAL CIRCUIT COURT

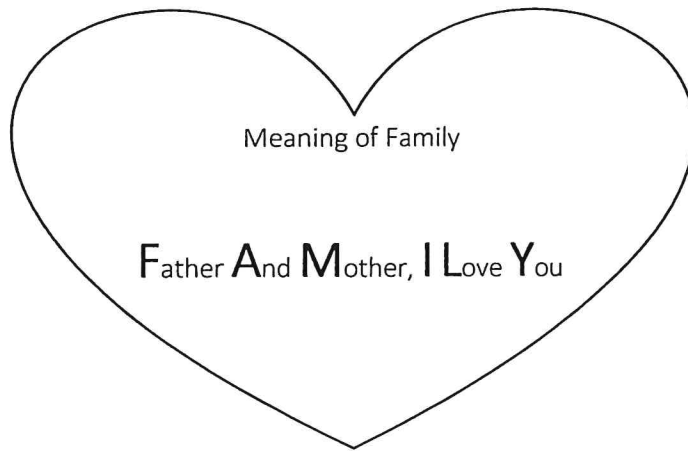
Ionian and Montcalm County Friend of the Court Offices

Parenting Time Policy

"Focus On Your Children"

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Your children will become what you are...
So be what you want them to be

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A. COURT'S PHILOSOPHY AND PROCEDURES

If you and the child's other parent are successfully co-parenting, you may feel that parts of this policy are unnecessary. We applaud parents who have set aside their personal feelings and act in a manner that places their children's feelings and needs first. Parents who can achieve this may use these guidelines very little.

For parents who have disagreements over parenting time issues, we hope these guidelines will assist you in co-parenting in an effective manner that allows you to act without the need for court intervention. The Friend of the Court (FOC) offers the following services to parents to assist them with custody and parenting time issues:

1. **Agreement/Consent Orders:** If both parents agree that they want a change in their court order, they are encouraged to file a Stipulated Agreement Motion (available at the FOC office). There is a required filing fee. Please follow all instructions when filing. An appointment will be scheduled for the parties to meet with the FOC Referee or with FOC staff to review the agreement. If the parties present an agreement that is enforceable, the FOC shall draft an order for entry. Agreements requesting a \$0.00 (zero) support order may be heard before the Friend of the Court Referee.
2. **Informal Mediation:** If parents recognize that they need assistance in resolving a parenting time dispute, the FOC offers informal mediation services. Mediation is a way to resolve conflicts without expensive litigation. This service is provided to FOC clients at no charge. A recommendation and order may result from the informal mediation, absent agreement of the parties.
3. The FOC mediator may determine a matter requires greater intervention and may refer parents to outside **Alternative Dispute Resolution (ADR)** services. There are fees associated with ADR, which are negotiated between parents and ADR personnel. Alternatively, parents may be referred to parent coordination and/or to a co-communication/co-parenting program. There are fees for these services, which are negotiated between parents and the program personnel.

Parenting time is granted in accordance with the best interests of children. Both parents should facilitate and encourage the relationship that the child has with the other parent. Children should develop strong bonds with both parents, and both parents should be involved in children's lives. If parents agree on parenting terms, the Court will follow those terms unless it determines that they are not in the best interest of the child. The Court shall grant parenting time in a frequency, duration, and type reasonably calculated to promote a strong relationship between the child and the parents. For more information on the child's right to parenting time, you may want to review MCL 722.27a.

The Court MAY consider the following factors when ordering parenting time:

1. Special circumstances of a child (i.e. whether an infant is a nursing baby),
2. The likelihood of abuse or neglect of a child during parenting time and/or to a parent resulting from the exercise of parenting time,
3. The burdensome impact on the child if traveling long distances,
4. Whether parenting time will be exercised in accordance with the Court's order,
5. Whether a parent has frequently failed to exercise parenting time,

6. The threatened or actual detention of a child with the intent to retain or conceal the child from the other parent, and
7. Any other relevant factors.

The Child Custody Act allows the Court to impose any reasonable terms or conditions designed to facilitate the orderly and meaningful time shared between a parent and child. Court orders may include:

1. Division of responsibility and/or cost of transporting a child,
2. Restriction of/or requirements for the presence of third persons,
3. Requirements that the child be ready at a specific time,
4. Requirements that a parent pick-up and return the child at specific times,
5. Requirements that a party post a bond,
6. Requirements of reasonable notice when scheduled contact will not occur, and
7. Any other reasonable condition determined to be appropriate in the particular case.

Support and parenting time are two separate issues. One parent **cannot withhold parenting time** due to non-payment of support. Likewise, the payer of support **cannot withhold payment of support** due to denial of parenting time.

Orders which provide for reasonable or liberal parenting time: If your Court order states that a parent has reasonable parenting time as agreed upon by the parties, both parents must agree to a schedule. **If the parents cannot agree, one of the parents must file a motion with the FOC to have a hearing set, at which time a parenting time schedule shall be determined.** The court cannot enforce agreements between parties that are not in a written order. If there isn't an order specifying parenting time, a parenting time complaint cannot be filed.

B. PARENTING TIME

In order for a child to successfully adjust to having two homes, it is essential that the child continue to have a stable and nurturing relationship with both parents. The 8th Judicial Circuit Court and the Office of the Friend of the Court strongly encourage parents to agree to a schedule that will ensure that the best interests of children are met. If the Court has ordered that you have parenting time pursuant to the 8th Judicial Circuit Court Parenting Time Policy, then parenting time is as detailed below. The applicable policy shall be determined by the age of the eldest child of the parties. The policy contained below applies where parents live within 100 miles of each other and where there is an established parenting relationship between the non-custodial parent and the child. Where there is not an established parent-child relationship, parenting time may be recommended as deemed appropriate given the individual circumstances on a case by case basis.

1. A CHILD/CHILDREN UNDER THE AGE OF THREE (3) YEARS

When the eldest child of the parties is under the age of three, the non-custodial parent shall have the child as follows:

- a. **Alternating Weekends:** Saturday at 9:00 a.m. to Sunday at 6:00 p.m. If a child is breast-feeding, parenting time for that child shall be for three hours on Saturdays or Sundays every weekend; if the parties cannot agree on the day or time, it shall be on Sundays from 3:00 p.m. to 6:00 p.m.

- b. **Mid-Week:** During the week, one evening for a minimum of two hours. If the parents cannot agree on the evening, it shall be Wednesday from 6:00 p.m. to 8:00 p.m.
- c. **Extended Parenting Time:** For a child that is no longer breast-fed and over the age of one year, the non-custodial parent shall have three (3) nonconsecutive one (1) week periods of parenting time during a calendar year. This time will commence on the parent's scheduled weekend from Friday at 6:00 p.m. to the following Friday at 6:00 p.m. or on the custodial parent's Sunday at 6:00 p.m. to 6:00 p.m. the following Sunday of your weekend. During these weeks, the custodial parent will have one evening of parenting time each week, for a minimum of two hours, if the child is not on an out-of-town vacation. If the parents cannot agree on the evening, it shall be Wednesday from 6:00 p.m. to 8:00 p.m. The non-custodial parent will give the custodial parent at least 30 days advance written notice of the intent to exercise this parenting time. *Summer, winter, and spring extended parenting time as described in 3(c) does not apply until children have begun kindergarten.
- d. **Holidays:** As listed on Page 6.

2. A CHILD/CHILDREN AGED THREE (3) UNTIL THE BEGINNING OF KINDERGARTEN

When the eldest child of the parties is the age of three, the non-custodial parent shall have the child:

- a. **Alternating Weekends:** Friday at 6:00 p.m. until Sunday at 6:00 p.m.
- b. **Mid-Week:** During the week, one evening for a minimum of two hours. If the parents cannot agree on the evening, it shall be Wednesday from 6:00 p.m. to 8:00 p.m.
- c. **Extended parenting time:** As described above in 1(c). *Summer, winter, and spring extended parenting time as described in 3(c) does not apply until children have begun kindergarten.
- d. **Holidays:** As listed on Page 6.

3. A SCHOOL AGED CHILD/CHILDREN AT THE BEGINNING OF KINDERGARTEN

When the eldest child of the parties begins kindergarten, the non-custodial parent shall have parenting time with all of the minor children except for a breast-feeding child as follows:

- a. **Alternating Weekends:** Friday at 6:00 p.m. to Sunday at 6:00 p.m.
- b. **Mid-Week:** During the week, one evening for a minimum of two hours. If the parents cannot agree, it shall be Wednesday at 6:00 p.m. to 8:00 p.m.
- c. **Extended Parenting Time:**
 - i. **Summer:** Four non-consecutive weeks during the summer months. One week of parenting time equals seven (7) days. Your weekend (2 days) adjoined to the five weekdays, i.e., Friday at 6:00 p.m. to Friday at 6:00 p.m. or Sunday at 6:00 p.m. to Sunday at 6:00 p.m. Specific dates for summer parenting time must be submitted to the FOC office and the custodial parent by April 15th each year to avoid conflict.
 - 1. The period for summer is defined as the time between the first Friday at 6:00 p.m. after school recesses for the year and ends at 6:00 p.m. seven

days before the new school year begins. For example, if the last day of school is a Wednesday, then that Friday at 6:00 p.m. immediately following would be the beginning of the summer vacation period. If school recesses on a Friday, the period for summer parenting time begins that night at 6:00 p.m.

- ii. **Winter (Christmas) School Vacation:** During the winter break, regular weekend and weekday/midweek parenting time is suspended. Unless your order states otherwise, the winter school vacation is divided between the parents equally. Winter vacation begins at 6:00 p.m. the day school recesses and ends at 6:00 p.m. the day before school begins. Each year, parents may contact the FOC for the specific dates of the winter school break. In odd numbered years, the father will have the first half of the winter break, and the mother shall have the second half. In the even numbered years, the mother will have the first half of the break, and the father shall have the second half. The exchange for the second half of break shall be at 6:00 p.m. Parties should understand that in some years this schedule might result in one parent receiving several weekends in a row, but this will allow parents to maintain their regular alternating weekends for the remainder of the year.
- iii. **Spring School Break:** Parents will have spring break in the years they also receive the Easter holiday by adding the five weekday overnights to either the beginning or end of their regular weekend, for a total of seven overnights. For example, if it's your spring break and your weekend begins the first day of break, you would receive Friday at 6:00 p.m. to the following Friday at 6:00 p.m. If it's the other parent's weekend, you would receive Sunday at 6:00 p.m. to Sunday at 6:00 p.m.
- iv. **Holidays:** As listed below.

HOLIDAYS: The following FOC holiday schedule applies to the child, regardless of age, unless otherwise specified in your order. The holiday schedule takes precedence over any other regularly scheduled parenting time and any extended summer, winter, and/or spring break parenting times. For a breastfeeding child under the age of one year, holiday parenting time will be limited to three hours. If the parents cannot agree on the time, it shall be for the first three hours of the period listed below.

HOLIDAY	TIME	ODD # YEARS	EVEN # YEARS
Easter	10 am to 7 pm	Mom	Dad
Memorial Day Weekend	6 pm Friday to 6 pm Monday	Dad	Mom
4 th of July	9 am 7/4 to noon 7/5	Mom	Dad
Labor Day Weekend	6 pm Friday to 6 pm Monday	Dad	Mom
Thanksgiving	9 am Thursday to noon on Friday	Mom	Dad
Christmas Eve	6 pm 12/23 to 8 pm 12/24	Dad	Mom
Christmas Day	8 pm 12/24 to 8 pm 12/25	Mom	Dad
Child's Birthday: 3 hours not to interfere with school and/or activities and to include siblings. If unable to agree, it shall be 5pm to 8pm		Dad	Mom
Mother's Day	10 am to 7 pm	Mom	Mom
Father's Day	10 am to 7 pm	Dad	Dad

*Halloween, New Year's Eve, and New Year's Day are not subject to this policy.

Any scheduled holiday time that falls within 24 hours of your scheduled weekend/weekday parenting time will continue through that time. For example, if Thanksgiving is your holiday and also your weekend following (i.e.-Friday to Sunday 6-6pm), then you would enjoy the holiday from 9am Thanksgiving morning through 6pm Sunday.

Parents may agree on additional holiday time that is not listed above. However, if you choose to share other holidays, it is best to include those in your parenting time order. If a holiday is not listed above, or specified in your written order, the FOC **cannot** assist you in enforcing it.

The parties should also understand that from time to time when they have the holiday and weekend (Memorial Day/Labor Day), as listed above, this may result in a parent having several weekends in a row. However, if parents alternate weekends per this schedule, it will maintain the regular weekend rotation.

Vacations with children may take place within or outside of the State of Michigan unless the Order states otherwise. **An order of domicile refers only of the residence of a child** being changed and does not apply to vacations **unless** the court order specifically addresses it. Parents taking vacations outside of the State of Michigan must notify the other parent of a phone number where the child/parent may be reached in the case of an emergency and also provide a general itinerary of where the minor child may be reached in case an emergency arises.

C. CHILD EXCHANGES AND TRANSPORTATION

PARENTAL BEHAVIOR AT EXCHANGE: Parenting time exchanges are not the time to discuss adult issues such as alimony, child support, or property issues. Communication should be limited to child-appropriate information and language. New romantic partners should not be present at child exchanges until the relationship has existed for at least six months. Dating should be reserved for times when the children are not present.

Parents should anticipate that transitions from one parent's home to the other are difficult for children. Both parents need to take responsibility for the inconvenience and difficulty this puts on your child. Attempt to understand your child's feelings of going back and forth.

WHO PROVIDES TRANSPORTATION: Unless provided for otherwise, the non-custodial parent will provide transportation. In instances where the custodial parent moves more than fifty (50) miles one way after an order has been established, the transportation will be shared between the parties; the parent exercising parenting time shall provide transportation to pick-up the child at the beginning of their parenting time, and the custodial parent shall provide the transportation to retrieve the child at the end of parenting time. If the non-custodial parent moves more than fifty (50) miles one way, they will still be responsible for providing transportation.

CAR SEATS AND SAFETY BELTS: Parents are required to follow state regulations (MCL 257.710) for the use of car seats, booster seats, and safety belts, which may be found on the State of Michigan website.

VALID DRIVER'S LICENSE: If you do not have a driver's license and it is your responsibility to provide transportation, you must have a responsible licensed and insured relative or friend - preferably with whom the child is familiar - do the driving when the child is being transported.

UNEXPECTED DELAYS: Parents shall exercise the parenting schedule in a prompt manner. In case of unforeseen circumstances, a 30-minute delay in pickup or returning the child is permitted. This does not mean that a parent can routinely exercise a pick-up or return of 6:00 p.m. at 6:30 p.m. late. **This 30-minute exception is to be used only when absolutely necessary.** When either parent becomes aware of a delay, they shall notify the other parent as soon as possible. Remember, while it is an inconvenience for the parent to be kept waiting, the real harm is done to the child. Nothing disappoints a child more than to be kept waiting to be picked up, or even worse, never to be picked up at all.

PARENT-CHILD PHONE CONTACT: The child should be allowed reasonable access to a parent via phone calls, e-mail, and other forms of communication when the child is in the care of the other parent. Phone calls should not become invasive to the point of interfering with the child's regular activities, i.e. scheduled bedtime, extended holidays, or out of town vacations. Each parent must use common sense in this regard and act accordingly. A younger child may need more phone contact, whereas a teenager may need less. Taking this into consideration, calls should occur no more than one to two times weekly. Parents should not use phone contact as a way of checking up on the other parent.

CLOTHING: If you are the custodial parent, you must supply adequate clothing for parenting time. You must also have the child ready at the scheduled parenting time. Both parents are expected to send and return clothing in the same condition received. Clothing and personal items belong to children. If there is an issue with clothing, then each parent will be responsible to have these in their home for the child.

D. SCHOOL AND EXTRACURRICULAR ACTIVITIES

PARENT-TEACHER COMMUNICATION: It is the responsibility of each parent to contact the school to receive report cards, activity schedules, and any other information. Legislation (MCL 722.30) effective 01/01/1997 states:

Notwithstanding any other provision of law, a parent shall not be denied access to records or information concerning his or her child because the parent is not the child's custodial parent, unless the parent is prohibited from having access to the records or information by a protective order. As used in this section, "records or information" includes, but is not limited to, medical, dental, and school records, day care provider's records, and notification of meetings regarding the child's education.

It is strongly suggested that parents attend parent-teacher conferences together so they may receive the same information. It also provides a strong appearance to the child that the parents are still unified when it comes to their best interest.

EXTRACURRICULAR ACTIVITIES: Extracurricular activities for a child are generally positive and encouraged. However, these activities should not interfere unreasonably with the exercise of parenting time. Sometimes, extracurricular activities may be incorporated into parenting time through the non-custodial parent attending an event. In other instances, it may be necessary for extracurricular activities

to be rescheduled or even curtailed to allow parenting time of an appropriate duration and quality to take place. Both parents should take into account the age and individual needs of each child in thinking about the issue of extracurricular activities and parenting time. Your child should not be punished due to their separated family situation. Your child deserves the same opportunities to participate in activities as children from two-parent households. Each parent shall carefully avoid scheduling or arranging unnecessary activities for the child which are likely to conflict with time allocated to the other parent, such as granting permission for a child to attend a birthday party without consulting with the other parent.

E. MEDICAL CARE AND DAILY NEEDS

Unless a court order otherwise dictates, both parties should be involved in their child's medical care. Parties with joint legal custody must discuss and attempt to agree upon important decisions affecting the child's health and welfare. If parties cannot reach agreement on medical treatment and want a court order addressing it, they may file a motion to request it. Both parties shall notify each other if the child becomes ill or injured during their parenting time. If a child is prescribed medication, both parties shall follow medical professionals' advice.

HAIRCUTS: Custodial parents will provide haircuts for children. The non-custodial parent may provide haircuts with the consent of the custodial parent.

HEAD LICE: The FOC does not investigate homes for lice infestation. As soon as a problem is detected, either parent should take steps to address the problem. Both parents should communicate this concern to the other and cooperate with each other to ensure the matter is handled as swiftly as possible. Both parents will need to take necessary measures to end the transfer of the infestation from home to home.

F. CHILD FOCUSED PARENTING

Parents should always speak positively about the other parent to children, or say nothing at all. Speaking negatively about the other parent accomplishes nothing and will do more harm than good. Understand that speaking negatively about the other party may affect how your children view you, the other parent, and themselves.

GATHERING INFORMATION THROUGH CHILDREN: Parents should **never** use children as a source of information on the activities of the other parent. Children quickly learn to supply information they think you want to hear, and they will tailor their remarks accordingly. Such information only creates problems, and parents will discover that a child who is forced to be in the middle may become skillful in playing one parent against the other. Be careful not to treat the child as an object or possession to be won or divided.

DO NOT OVERSHARE ADULT INFORMATION: Do not discuss with, or promise, your child that you will obtain custody unless you have received a signed order by the Judge. The law permits changes in custody only in the most compelling of circumstances. A party seeking a change in custody must show proper cause or change in circumstances before a hearing on a change of custody can even occur.

G. CO-PARENTING AND COMMUNICATION

How you interact with the other parent will affect your child. Encourage your child's ability to have a secure relationship with both parents. Coordination between parents will help children establish a secure self-concept. Lack of coordination makes a child feel split between parents. It is beneficial to children, especially for infants and toddlers, to receive continuity of care-taking patterns, such as similar bedtimes, discipline, and toilet training. Parents should make every effort to coordinate with the other because children thrive with consistency. However, the FOC recognizes that each parent has his or her own individual parenting style. If you and the other parent cannot agree, try to avoid passing judgment on each other and make compromises that are in your child's best interest. Focus on helping your child learn how to cope well in different environments. Co-parenting classes, counseling, and communication applications may be helpful.

STEP-PARENTS: When a parent remarries, the spouse will be involved in the child's life. Since the step-parent will be at least in part a caregiver to the child, every effort should be made to promote a good relationship between the step-parent and the child. Likewise, the step-parent should promote communication between the natural parents. Parenting time is for the benefit of the child-parent relationship. Time spent with babysitters, extended family, etc. when the parent is not present should be minimized.

POLICE INVOLVEMENT: The **only time** that police should be called is if the child or the parties are in immediate danger. Calling the police for parenting time disputes is very traumatic for children. Most law enforcement agencies refuse to become involved in settling custody and/or parenting time disputes and will only refer the parents to the FOC.

H. LAPSES IN PARENTING TIME

If a parent has not had contact with a child for at least three months, or if contact has not been consistent, parenting time may need to be re-established through counseling and/or the successful completion of an FOC approved parenting class. If a gradual reintroduction of parenting time is needed, it may include supervised parenting time or parenting time as recommended by a therapist. The Court recognizes there are reasons that a parent may miss parenting time on a long-term basis with appropriate reasons (i.e. military service) and this will be taken into consideration.

I. DENIAL OF PARENTING TIME

The following excuses are **not valid** reasons for denying parenting time:

1. The child had to go somewhere else.
2. The child is not home. You are responsible to ensure that your child is available for parenting time.
3. The parent paying support is behind in his/her obligation.
4. The child wants to stay home (**regardless of age**). You are the parent; the child should not be making such decisions.
5. The parent does not want the child to go.
6. The child does not have clothes to wear.

7. The child fusses when the other parent picks the child up. Understand that your child will have some stress and growing pains regardless of whether parents are together or not and may have some difficulty when going between parents. Take care not to jump to conclusions. This reaction does not necessarily indicate problems with the other parent.

The following excuses **may not be valid** reasons for denying parenting time:

1. The child is sick.
2. The weather is bad.
3. There is a personal protection order issued for one of the parents.

PERSONAL PROTECTION ORDERS: If parenting time is denied for any of these three reasons, the parent who denied parenting time bears the burden of proving that the denial was reasonable. The FOC encourages parents to communicate and make alternative arrangements if possible. A personal protection order should not be used to deny parenting time unless it specifically orders no contact between the parent and children. It is your responsibility to inform the Court of a custody/parenting time court order when presenting your personal protection order petition before the Judge. If you have a personal protection order, it is also your responsibility to provide a copy of it to the FOC.

ABUSE AND NEGLECT: The FOC does not have any authority to investigate abuse and neglect complaints. Legitimate concern for abuse and neglect should be reported immediately to Children Protective Services Centralized Intake at: 855-444-3911. It is illegal to make intentionally false statements regarding child abuse and/or neglect.

J. COMPLAINTS REGARDING PARENTING TIME

Read the last parenting time order. The court speaks through its written and signed orders. If it is not written and signed by the Judge, then it is not the order of the Court. If you make a verbal agreement that is outside of the parenting time order, the FOC cannot enforce your agreement even if it is written and notarized. It is the parent's responsibility to take the necessary steps to obtain or change an order. If there is no parenting time order, then the FOC cannot assist you in enforcing parenting time.

1. The complaining parent must **attempt to resolve the issues directly with the other parent** either by phone or in writing. At all times, the communication should be a sincere effort, keeping in mind what is best for your child. Treat the other parent as you would like to be treated and speak to each other out of the presence, or hearing, of your child. **"We cannot talk to each other" is not an acceptable excuse** for avoiding contact with the other parent.
2. **An attempt must be made to pick up the child regardless of threats to deny the parenting time.**
3. If denied parenting time, an aggrieved party may ask that the FOC take enforcement action against the other party by submitting a Parenting Time Affidavit.
 - a. The Parenting Time Affidavit must be submitting in writing (forms available at the FOC office) within 56 days of the alleged violation. It is recommended that complaints be filed as soon as possible so that it may be addressed in a timely manner.

b. The Parenting Time Affidavit **must** include:

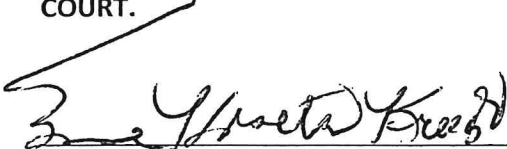
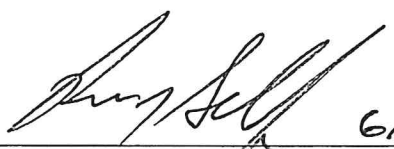
- i. Your case number,
- ii. Name, address, and phone number of the Plaintiff and Defendant,
- iii. Child's name and date of birth,
- iv. Date(s) and time(s) of alleged violation(s),
- v. Specific problem being addressed,
- vi. Whether or not you attempted to pick up the child,
- vii. Whether or not you are requesting make-up parenting time, and
- viii. If so, proposed make-up dates,
- ix. Your signature, and
- x. Date submitted.

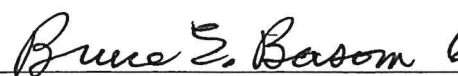

NOTICE: The Court has a wide range of powers to enforce its orders including: restrictions or modifications of parenting time, fines and costs, jail, make-up parenting time, loss of an occupational and driver's license, and in extreme cases, changes in custody. In addition, all court orders regarding children are subject to review and change as the circumstances of the child and/or the parents change. If the Court determines a parenting time affidavit/complaint was made in bad faith that party may be assessed sanctions; first offense up to \$250.00 court fines; second offense up to \$500.00 court fees and fines; third offense up to \$1000.00 court fees/fines and/or jail time.

The Child Custody Act imposes an obligation on the court to review even agreed upon arrangements to confirm that they are in the best interests of the child. The Court may reject or modify an agreed upon arrangement if it determines it is not in the child's best interests. This authority is one more recognition that the best interests of the child are paramount.

We hope you have found these guidelines helpful. We urge you to refer to them as questions may arise and before calling the Friend of the Court for assistance. We ask you to use good judgment and common sense and to work hard at healthy and respectful communication. This is in the best interests of your child/ren and will help to reduce stress for everyone but most importantly, for your child/ren.

THE FRIEND OF THE COURT HAS THE AUTHORITY TO INTERPRET THIS POLICY AND MAKE DETERMINATIONS FOR PURPOSES OF ENFORCEMENT. THE UNDERSIGNED HAVE APPROVED AND ADOPTED THIS PARENTING TIME POLICY IN ITS ENTIRETY FOR THE FAMILY DIVISION OF THE 8TH CIRCUIT COURT.

 6/29/2020  6/22/2020
Suzanne Hoseth Kreeger, Date Ronald J. Schafer, Date
Circuit Court Judge Circuit Court Judge

 6-22-20  6/25/20
Bruce E. Basom, Date Jessica K. Wierckz, Date
Montcalm County Friend of the Court Ionia County Friend of the Court