

Michigan Judicial Institute and Friend of the Court Bureau Webinar

November 5, 2020

Assisting Parents in Reaching Custody and Parenting Time Agreements

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Who Are the Experts

The role parents can play in their own domestic relations case.

- Identify early on that the parties know more about their child than anyone else.
- How were decisions made before the separation or filing of the domestic relations case.
- Seamless process.

What Does Everyone Really Want?

- The Judge
- The Attorneys
- The FOC

Established Custodial Environment

- *Duperon v Duperon*, 175 Mich App 77 (1989);
Foskett v Foskett, 247 Mich App 1 (2001).
- “An established custodial environment can exist in **more than one home simultaneously**; thus, a determination of an established custodial environment is not necessarily a choice between parties.”
- The Child Custody Act includes a legal presumption that having a strong parental bond with both parents is in the best interest of the child.

Ground Rules

- Set the tone for the meeting early.
- Control the meeting from the very beginning.
- Don't allow one or both parties to interrupt each other.
- Don't allow attorneys to overrun the meeting.
- Have the parties each talk about their child(ren)
- Work at trying to have the parties develop some dialogue.
- Long term solutions.

Small Steps

- Stress flexibility.
- Try and identify early areas where parents do agree.
- Clear up any confusion about custody and parenting time; Joint Custody vs. Physical Custody.
- Be specific when possible.
- Living, breathing document – subject to change.
- Ask each parent to describe ways a co-parenting relationship might work.

What Has Worked In the Past

Identify past strengths and encourage that to continue.

- Parent-teacher conferences.
- Coaching.
- Vacations.
- Game nights.
- Holidays with each parent (e.g., two Easters)
- Special circumstances to address (e.g., the child's medical issues, party's medical needs)?
- Maintaining family relationships.

Things to Avoid

- Factor (i) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.
- Giving the impression that you have something "personal" or that you have a dislike or animosity towards a party personally.
- Unrealistic expectations.

FOC 125 Form

The Child Custody Factors:

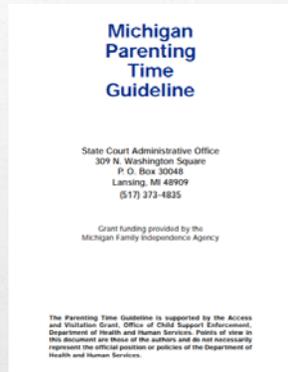
- What do judges need and want?
- Options:
 - Summary of the issues for each factor that are in dispute.
 - All findings related to that factor.

Child Custody Investigations

- A well done custody report can be a great tool to assist parents in agreeing to custody and parenting time.
- 1. Solid conclusions that lead to a recommendation.
- 2. Unbiased not advocating for either party.
- 3. Provide both positive and negative information for both parties.
- 4. What information was granted more weight and why.
- 5. A good report can start discussions between the parties informally or during an ADR session.

Michigan Parenting Time Guideline

Disclaimer - *revision pending publication*



The Table of Contents page of the Michigan Parenting Time Guideline document. It lists the following sections and their corresponding page numbers: Introduction (1), Definition (3), Parenting Time (7), Joint Custody (11), Supervised Parenting Time (13), Transferring from Supervised to Unsupervised Parenting Time (17), General Provisions (19), Special Considerations (23), Enforcement (29), and Bibliography (33).

Shifting Parenting Time Norms

Introduction

Purpose of the Guideline

Parenting time is the term used in Michigan for the time a child spends with each parent when parents do not live in the same home.

In Michigan, a child has a right to parenting time with each parent unless a judge determines that parenting time would endanger the child's physical, mental, or emotional health. Michigan law ([MCL 722.27a\(1\)](#)) recognizes that it is *usually* in the best interests of a child to have parenting time in a frequency, duration, and type which promotes a strong relationship between child and parent.



Because each family is unique, there is not one standard schedule that works best for all families.

This Guideline provides many different types of sample schedules to use as a starting place to create or change the family's custom schedule. These schedules may not be appropriate if special circumstances exist, such as domestic violence or child abuse.

No.	Name & Description
Daytime Only	
1	Short daytime visits Two or more periods of 3-5 hours spaced throughout each week.
2	Long daytime visits One or more periods of 4-6 hours spaced throughout each week.
3	Short and long daytime visits One or more 3-5 hour periods and one 8-hour period spaced throughout each week.
Daytime + Non-consecutive Overnights	
4	One overnight plus short visits One or more periods of 3-6 hours and an overnight each week.
5	Non-consecutive overnights Two periods of 3-6 hours and two non-consecutive overnights each week.
Daytime + Consecutive Overnights	
6	Two overnights plus daytime One period of 3-6 hours and two consecutive overnights each week.
7	Midweek evening and alternating weekends Two consecutive overnights every other week. An additional 3- to 6-hour period or overnight may be added each week.
8	Midweek evening and alternating long weekends Three consecutive overnights every other week and an additional 3- to 6-hour period each week.

Shared Parenting Time	
9	Two days on, two days off The child is with each parent for two consecutive days. *Caution - this plan is designed only for those parents who can agree on this plan.
10	Two week rotation (2-2-3) Two consecutive overnights with each parent during the week, followed by three consecutive weekend overnights, with the schedule alternating each week.
11	One weeknight and alternating weekends Four consecutive overnights during Week 1 and one overnight during Week 2.
12	Split week (4-3-3-4) Split each week and weekend.
13	Split week with alternating weekends (5-2-2-5) Each parent has the same 2 consecutive weekday overnights each week and alternates the weekends.
14	Alternating weeks The parents share time with the child during alternating 7-day periods. A midweek overnight period is optional with the parent who doesn't have parenting time that week. *Caution - This schedule might not be appropriate for all young children, in particular.

Child Development

Think about the purpose of:

- Child support
- Michigan child support program
- Parenting time

**Consistency, stability –
protective factors**



Flexibility



- Customizing schedules
 - Child's unique needs
 - Child's activities
- Communicating about schedule changes/trades
- How to resolve disputes

Holidays

- Start from existing practice before separation

➤ OR parents' agreement

- Which holidays are important to which parent?



Coparenting



- Communication plans in parenting time agreement
- Communication assistance through apps
- Emphasis on the **child's right** to parenting time – not the parents' rights

Safety Concerns

- FOC safety precautions for DV victims
- Specific provisions in orders
- Parents living in a facility (jail, prison, mental health, other)

Questions?

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