

Michigan Judicial Institute/ Friend of the Court Bureau Webinar

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Using Innovative Enforcement Techniques to Respond to Difficult Parenting Time Disputes

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The Purpose of Today's Presentation

The purpose of the presentation is to examine how the statutory custody and parenting time enforcement procedures can be utilized to better assist parents in resolving parenting time disputes.

Service, Compliance, and Innovative Procedures.

What is the FOC's Responsibility to Enforce Parenting Time Disputes

- MCL 552.511b: (1) **An office shall initiate enforcement under the support and parenting time enforcement act if the office receives a written complaint** that states specific facts constituting a custody or parenting time order violation. Upon request of a parent who has the right to interact with his or her child under a custody or parenting time order, an office shall assist the parent in preparing a complaint under this subsection.
- (2) **Within 14 days after an office receives a complaint under subsection (1), the office shall send a copy of the complaint to the individual accused of interfering** and to each other party to the custody or parenting time order.
- (3) If, in the opinion of the office, the facts as stated in the complaint allege a custody or parenting time order violation that can be addressed by taking an action authorized under section 41 of the support and parenting time enforcement act, MCL 552.641, the office shall proceed under section 41 of the support and parenting time enforcement act, MCL 552.641.

Custody and Parenting Time Enforcement Statutes

- Written Custody and Parenting Time Complaint: [MCL 552.511b](#)
- Parenting Time Enforcement Procedures: [MCL 552.641](#)
- Joint Meetings: [MCL 552.642a](#)
- Civil Contempt for Denying Parenting Time: [MCL 552. 644](#)
- Custody and Parenting Time Enforcement Hearing: [MCL 552. 645](#)
- Custodial Parent Committed to Jail or Alternative to Jail: [MCL 552. 646](#)

MCL 552. 641

- (a) Apply a makeup parenting time policy established under section 42. • (d) Schedule mediation subject to section 13 of the friend of the court act, MCL 552.513.
- (b) Commence civil contempt proceedings under section 44.
- (c) File a motion with the court under section 17d of the friend of the court act, MCL 552.517d, for a modification of existing parenting time provisions to ensure parenting time, unless contrary to the best interests of the child.
- (e) Schedule a joint meeting subject to section 42a.

Applying Make-Up Parenting Time

- a) Apply a makeup parenting time policy established in MCL 552.642. The 21 day Notice. **In 2019 16,671 parenting time notices were sent.**
- A letter that accompanies the 21 day notice. That could include:
 - If you decide to object to the application of make-up parenting time please answer the following questions:
 - Could you briefly describe the issues that resulted in parenting time being denied?
 - Do you believe your current parenting time court order needs to be modified?
 - If you answered yes to the proceeding question what modifications do you believe are necessary?

Applying Make-Up Parenting Time Continued

Do you believe that you and the other parent would benefit from participating in an alternative dispute resolution session such as médiation or a joint meeting?

Schedule mediation subject to section 13 of the friend of the court act, MCL 552.513.

- Would parties be willing to include in their court order a provision that read:
“In the event the parties encounter any future parenting time disputes they will first contact the local community dispute resolution center or a mediator and schedule a mediation session before filing a complaint with the friend of the court or a motion with the court.”

Contempt Hearing for Denial of Parenting Time

- If the friend of the court office determines that a procedure for resolving a parenting time dispute authorized under section 41 other than a civil contempt proceeding is unsuccessful in resolving the parenting time dispute, the friend of the court office shall commence a civil contempt proceeding to resolve the dispute as provided by the supreme court rule.

Contempt Hearing for Denial of Parenting Time-Continued

MCL 552. 645: “Within 21 days after the date of the notice under section 44, a parent who is notified of a contempt hearing under section 44 may request a hearing on a proposed modification of parenting time. The court shall hold the requested hearing unless the parenting time dispute is resolved by other means. The court shall combine the hearing prescribed by this subsection with the hearing on the order to show cause unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on a proposed modification of parenting time shall be held before the contempt hearing.” **In 2019 there were 2,114 show cause hearing requests for denial of custody and parenting time.**

Contempt Hearing for Denial of Parenting Time-Continued

So what happens if neither parent requests a modification to the court order.

The FOC could meet with the parties before the hearing and ask about potential modifications to the custody and parenting time court order. If the parties agree, they could stipulate on the record to the modifications.

Joint Meeting

- MCL 552.642a: “A joint meeting may take place in person or by means of telecommunications equipment.”
- Advantages to using joint meeting by telecommunications:
 - It is a non-confidential process unlike mediation, which is confidential.

Joint Meeting-Continued

- More efficient ways to resolve parenting time disputes:
 - FOC staff can send the recommendation electronically (e.g., attached to an email).
 - Easier scheduling.
 - Easier for parties to participate (e.g., don't have to take time off from work, parking, scheduling hearings).

Joint Meeting-Continued

May be better for certain cases (parties who do not feel comfortable being around each other); parties may be more comfortable if they are not in the same room.

Joint Meeting - done through email.

- Have the parties complete the FOC 124 Domestic Violence Screening Document.
- MCR 3.224(1)(c) requirements.
- Ask the parties what they believe the parenting time dispute issues are.
- Try and identify possible agreements to make up parenting time and modifications to the current custody and parenting time order.

Joint Meeting-Continued

- Record the accommodation and if necessary prepare a court order for make-up parenting time.
- If no agreement is reached, inform the parties what your recommendation will be.
- Serve the parties with the recommendation and notice.

Walk-In Alternative Dispute Resolution (ADR)

- Some counties use a walk in ADR process. It may be necessary to amend your FOC ADR Plan. Cases would still need to be screened and CPS involvement would still need to be verified. The advantages:
 - Head off problems.
 - Promotes cooperation among the parents.
 - Provides good customer services.
 - May not only resolve parenting time complaints but also custody and parenting time hearings.

Modification to Existing Court Order

- File a motion with the court under section 17d of the friend of the court act, MCL 552.517d, for a modification of existing parenting time provisions to ensure parenting time, unless contrary to the best interests of the child. As a result of a parenting time complaint FOCs modified court orders 143 times in 2019.
- Because of concerns about not remaining neutral, many FOCs do not like to modify court orders and do not like to file motions to change parenting time as a result of parenting time complaint filed with the FOC.

Modification to Existing Court Order-Continued

- However there can be some advantages to the motion being filed:
 - Provisions that the parties need but maybe do not want:
 - Family counseling.
 - Neutral drop off and pick up.
 - Supervised exchange.
 - Parenting classes.

Supervision by the FOC

- MCL 552.644: “Place the parent under the supervision of the office for a term fixed by the court with reasonable conditions, including 1 or more of the following:
 - (i) Participating in a parenting program.
 - (ii) Participating in drug or alcohol counseling.
 - (iii) Participating in a work program.
 - (iv) Seeking employment.
 - (v) Participating in other counseling.
 - (vi) Continuing compliance with a current support or parenting time order.
 - (vii) Entering into and compliance with an arrearage payment plan.
 - (viii) Facilitating makeup parenting time.
- 2019 SCAO numbers: 164- in one county the court ordered supervision 118 times.

Supervision by the FOC-Continued

- When to use Supervision by the FOC
 - When parents really need:
 - Counseling.
 - Participation in a parenting program
 - Participation in drug or alcohol counseling.
 - Facilitation of makeup parenting time – basically putting a parent on probation.

Custody and Parenting Time Enforcement Forms

- 21-Day Notice to Alleged Violator of Custody or Parenting Time Provisions: FOC 16
- Motion and Order to Show Cause for Contempt (Custody/Parenting Time): FOC 19.
- Referee Findings and Recommendation for Order after Hearing on Alleged Custody/Parenting Time Violation: FOC 57.
- Order after Hearing on Alleged Custody/Parenting Time Violation: FOC 58.

Access and Visitation Grants

- **ELIGIBLE SERVICES:**
 - Parent exchanges (neutral drop-off and pick-up)
 - **Parent Exchanges** (neutral drop-off/pick-up). Under this service, a neutral location is provided for the safe transfer of children between the noncustodial parent and the custodial parent (or guardian). A neutral third party (someone other than the parents or parties involved) is present during the transfer of the children. In the event threatening or violent behavior is observed, the agency's safeguard plan will be followed. **Services provided to grandparents under MCL 722.27b are not eligible for reimbursement under this contract.**

Access and Visitation Grant Continued

- **ELIGIBLE SERVICES:**

- Supervised parenting time (including monitored and therapeutic)
 - **Supervised Parenting Time.** This service is for noncustodial parents – court-ordered or voluntary – who would otherwise be denied access to their children. Visitation services might be offered through visitation centers, video conferencing or other public settings, such as park facilities, or offices. Whatever the location, the focus should be on trained staff supervising the visitations in a safe setting appropriate to the particular issues experienced by the family. The direct service provider is present before, during, and after the supervised parenting time to ensure the safety of the children and the safe exchange of the children to the custodial parent (or guardian). In the event threatening or violent behavior is observed, the agency's safeguard plan will be followed. **Services to grandparents under MCL 722.27b and services to parents involved in the child welfare system (Title IV-E and Title IV-B) are not eligible for reimbursement under this contract.**

Custody, Parenting Time, and ADR Google Group

- SCAO Custody Parenting Time, and Alternative Dispute Resolution Google Group: michigan-custody-parenting-time-adr@googlegroups.com

Parenting Coordinators

- Parenting Coordinators: [MCL 722.27c](#)
- May want to suggest to the parties the use of a parenting coordinator.

Contact Information

- Tim Cole: Colet@courts.mi.gov
- 517-373-9663

COMMUNITY DISPUTE RESOLUTION PROGRAM

The following centers provide conciliation, mediation, and other forms of dispute resolution pursuant to 1988 PA 260, the Community Dispute Resolution Act.

BERRIEN, Branch, Cass, Kalamazoo St. Joseph, Van Buren

Citizens Mediation Service, Inc.
811 Ship Street, Suite 302
St. Joseph, Michigan 49085
Phone (269) 982-7898
Fax (269) 982-7899
E-Mail jenny@citizensmediation.org
Website www.citizensmediation.org
Contact Jenny Miner
MI-Resolve www.courtinnovations.com/MICM

GRAND TRAVERSE, Antrim, Benzie, Leelanau, Missaukee, Wexford

Conflict Resolution Services, Inc.
2240 South Airport Road West, Unit D
Traverse City, Michigan 49684
Phone (231) 941-5835
Fax (231) 941-4530
E-Mail brandiesigler@crsmediationtc.org
Website www.CRSmediationTC.org
Contact Brandie Sigler
MI-Resolve www.courtinnovations.com/MICRS

CHARLEVOIX, Emmet

Northern Community Mediation
415 State Street
Petoskey, Michigan 49770
Phone (231) 487-1771
Fax (231) 487-1770
E-Mail jane@northernmediation.org
Website www.northernmediation.org
Contact Jane Millar
MI-Resolve www.courtinnovations.com/MINCM

INGHAM, Clinton, Eaton, Gratiot, Isabella, Shiawassee

Resolution Services Center of Central Michigan
516 S. Creyts Rd, Suite A
Lansing, MI 48917
Phone (517) 485-2274
E-Mail lbonney@rscdm.org
Website www.rscdm.org
Contact Lisa Bonney
MI-Resolve www.courtinnovations.com/MIRSCCM

CHIPPEWA, Luce, Mackinac

E.U.P. Community Dispute Resolution Center, Inc.
P.O. Box 505
Sault Ste Marie, Michigan 49783
Phone (906) 253-9840
Fax (888) 664-6402
E-Mail director@eupmediate.org
Website www.eupmediate.org
Contact Nikki Dowd-McKechnie
MI-Resolve www.courtinnovations.com/MIEUP

JACKSON, Calhoun, Hillsdale, Lenawee, Monroe

Southeastern Dispute Resolution Services
536 N. Jackson St., P.O. Box 1345
Jackson, Michigan 49204
Phone (517) 990-0279
Fax (517) 539-8003
E-Mail Mediation@sedrs.org
Website sedrs.org
Contact Marc Stanley
MI-Resolve www.courtinnovations.com/MISEDRS

DELTA, Baraga, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Menominee, Ontonagon, Schoolcraft

UPCAP Conflict Resolution Services
P.O. Box 606
Escanaba, Michigan 49829
Phone (906) 789-9580
Fax (906) 786-5853
E-Mail taylor@upcap.org
Website www.upcap.org
Contact Shannon Taylor
MI-Resolve www.courtinnovations.com/MIUPCAP

KENT, Ionia, Lake, Mecosta, Montcalm, Newaygo, Osceola

Dispute Resolution Center of West Michigan
678 Front Avenue, NW, Suite 250
Grand Rapids, Michigan 49504-5368
Phone (616) 774-0121
Fax (616) 774-0323
E-Mail cgilman@drcwm.org
Website www.drcwm.org
Contact Christine Gilman
MI-Resolve www.courtinnovations.com/MIDRCWM

GENESEE, Arenac, Bay, Clare, Gladwin, Midland, Ogemaw, Roscommon, Saginaw

Community Resolution Center
315 East Court Street, Suite 200
Flint, Michigan 48502
Phone (810) 249-2619
Fax (810) 239-9545
E-Mail dlh.mediation@yahoo.com
Website www.mediation-crc.org
Contact Dayna Harper
MI-Resolve www.courtinnovations.com/MICRC

MACOMB, Huron, Lapeer, Sanilac, St. Clair, Tuscola

The Resolution Center
176 S. Main Street, Suite 2
Mt. Clemens, Michigan 48043
Phone (586) 469-4714
Fax (586) 469-0078
E-Mail cpappas@theresolutioncenter.com
Website www.theresolutioncenter.com
Contact Craig R. Pappas
MI-Resolve www.courtinnovations.com/MITRC

MARQUETTE, Alger

Marquette-Alger Resolution Service
914 West Baraga Avenue
Marquette, MI 49855
Phone (906) 226-8600
Fax (906) 226-5399
E-Mail director@marsmediation.org
Website www.marsmediation.org
Contact Jennine Frazier
MI-Resolve www.courtinnovations.com/MIARS

WASHTENAW, Livingston

The Dispute Resolution Center
4133 Washtenaw Avenue
Suite B125, PO Box 8645
Ann Arbor, Michigan 48107-8645
Phone (734) 794-2125
Fax (734) 794-2126
E-Mail dulinb@washtenaw.org
Website www.thedisputeresolutioncenter.org
Contact Belinda Dulin
MI-Resolve www.courtinnovations.com/MIWDRC

MUSKEGON, Manistee, Mason, Oceana

Mediation & Restorative Services
27 East Clay Avenue
Muskegon, Michigan 49442
Phone (231) 727-6001
Fax (231) 727-6011
E-Mail JHallberg@mediatewestmichigan.com
Website www.mediatewestmichigan.com
Contact Jackie Hallberg
MI-Resolve www.courtinnovations.com/MIMWM

WAYNE

Wayne Mediation Center
835 Mason Street, Suite C300
Dearborn, Michigan 48124
Phone (313) 561-3500
Fax (313) 561-3600
E-Mail zbaydoun@mediation-wayne.org
Website www.wcdrc.org
Contact Zeina Baydoun
MI-Resolve www.courtinnovations.com/MIWMC

OAKLAND**Oakland Mediation Center, Inc.**

550 Hulet Drive, Suite 102
Bloomfield Hills, Michigan 48302
Phone (248) 338-4280
Fax (248) 338-0480
E-Mail cburke@mediation-omc.org
Website www.mediation-omc.org
Contact Charity Burke
MI-Resolve www.courtinnovations.com/MIOMC

**OTSEGO, Alcona, Alpena, Cheboygan, Crawford,
Iosco, Kalkaska, Montmorency, Oscoda,
Presque Isle**

Community Mediation Services
114 East Main Street, Suite #1
Gaylord, Michigan 49735
Phone (989) 732-1576
Fax (989) 705-1337
E-Mail annette@mimmediation.com
Website www.mimmediation.com
Contact Annette Wells
MI-Resolve www.courtinnovations.com/MICMS

OTTAWA, Allegan, Barry

Mediation Services
291 West Lakewood Blvd, Suite 9
Holland, Michigan 49424
Phone (616) 399-1600
Fax (616) 399-1090
E-Mail elizabethscott@MediationServices.Works
Website www.MediationServices.Works
Contact Elizabeth Scott
MI-Resolve www.courtinnovations.com/MICDR