

## NINTH JUDICIAL CIRCUIT COURT POLICY

<b>SUBJECT:</b> PARENTING TIME POLICY	<b>SECTION:</b> FAMILY	<b>DATE:</b> 2/05/2009
<b>PREPARED BY:</b> Tiffany Ankley	<b>NUMBER:</b> FA-438-p	<b>SUPERSEDES:</b> None

### REFERENCES:

- Child Custody Act, MCL 722.27
- Divorce Act, MCL 552.1
- Acknowledgement of Parentage Act, MCL 722.1001
- Paternity Act, MCL 722.711
- Family Support Act, MCL 552.451
- Support and Parenting Time Enforcement Act, MCL 552.601
- 2008 Michigan Child Support Formula
- "Promoting Positive Relationships Between Parents and Young Children When There are Two Homes," Children's Charter of the Courts of Michigan, Inc., 1996

DEFINITIONS AND ABBREVIATIONS: None.

### BACKGROUND:

Policy was developed to provide consistency with parenting time in cases where parents are unable to negotiate parenting time and to provide a definition of reasonable parenting time.

### POLICY STATEMENT:

**Parents are strongly encouraged to negotiate parenting time that will meet the needs of their children and their particular circumstances.** Otherwise, "reasonable parenting time" shall be defined as follows:

#### **A. SCHOOL YEAR SCHEDULE.**

1. "School year" is defined as beginning on the Sunday prior to the first day of school at 6:00 p.m. and ending on the Sunday after the last day of school at 6:00 p.m.
2. During the school week, the parent with whom the minor child(ren) do not primarily reside shall have parenting time on Wednesdays beginning at 6:00 p.m. and ending at 8:00 p.m. (distance between parents permitting). Additionally, the parent with whom the minor child(ren) do not primarily reside shall have parenting time on alternate weekends beginning on Friday at 6:00 p.m. and ending on Sunday at 6:00 p.m.

#### **B. SUMMER SCHEDULE.**

1. "Summer" is defined as beginning on the Sunday after the last day of school at 6:00 p.m. and ending on the Sunday prior to the first day of school at 6:00 p.m.
2. Alternatives:

##### **Alternative 1.**

Each parent shall have one-half of the summer vacation period in alternating 7-

day periods such that the father has the first 7-day period beginning on the Sunday after the last day of school at 6:00 p.m. and ending 7 days later on Sunday at 6:00 p.m.

Each parent shall have the right to have a 14-day period of uninterrupted parenting time each summer vacation period. In even-numbered years, the mother shall notify the father by May 1<sup>st</sup> as to which 14-day period she will exercise parenting time and the father shall notify the mother by May 15<sup>th</sup> as to which 14-day period he will exercise parenting time. In odd-numbered years, the father shall notify the mother by May 1<sup>st</sup> as to which 14-day period he will exercise parenting time and the mother shall notify the father by May 15<sup>th</sup> as to which 14-day period she will exercise parenting time.

**Alternative 2.**

Each parent shall have one-half of the summer vacation period in alternating 14-day periods such that the father has the first 14-day period beginning on the Sunday after the last day of school at 6:00 p.m. and ending 14 days later on Sunday at 6:00 p.m.

**Alternative 3.**

Each parent shall have one-half of the summer vacation period such that the summer is divided into two (2) halves. The 1<sup>st</sup> half of the summer vacation period is defined as beginning on the Sunday after the last day of school at 6:00 p.m. and ending on the day that falls half-way through the summer as defined above at 6:00 p.m. The 2<sup>nd</sup> half of the summer vacation period is defined as beginning on the day that falls half-way through the summer at 6:00 p.m. and ending on the Sunday prior to the first day of school at 6:00 p.m. The father shall have the 1<sup>st</sup> half of the summer vacation period in even-numbered years and the mother shall have the 1<sup>st</sup> half of the summer vacation period in odd-numbered years. The father shall have the 2<sup>nd</sup> half of the summer vacation period in odd-numbered years and the mother shall have the 2<sup>nd</sup> half of the summer vacation period in even-numbered years. The alternate weekend schedule shall continue on the school year schedule such that each parent will continue to have alternate weekend parenting time as set forth above during the other parent's half of the summer vacation period.

3. If the parents are not able to agree as to which alternative to be exercised, alternative 1 shall apply.
4. The school year schedule will resume upon the commencement of school.

**C. SPRING BREAK SCHEDULE.**

"Spring Break" is defined as beginning on the day that school is dismissed at 6:00 p.m. and ending on the Sunday prior to school commencing at 6:00 p.m. Spring Break shall be alternated. See the *Holiday/Special Occasion Parenting Time Chart* below.

**D. WINTER HOLIDAY BREAK SCHEDULE.**

1. “Winter Holiday Break” is defined as beginning on the day that school is dismissed at 6:00 p.m. and ending on the day prior to school commencing at 6:00 p.m. The Winter Break shall be divided into two (2) halves. The 1<sup>st</sup> half of Winter Holiday Break and the 2<sup>nd</sup> half of Winter Holiday Break shall be alternated. See Holiday/Special Occasion Parenting Time Chart below.
2. 1<sup>st</sup> Half of Winter Holiday Break.  
“1<sup>st</sup> Half of Winter Holiday Break” is defined as beginning on the day that school is dismissed at 6:00 p.m. and ending on the day that falls half-way through the Winter Holiday Break as defined above at 6:00 p.m.
3. 2<sup>nd</sup> Half of Winter Holiday Break  
“2<sup>nd</sup> Half of Winter Holiday Break” is defined as beginning on the day that falls half-way through the Winter Holiday Break as defined above at 6:00 p.m. and ending on the day before school commences at 6:00 p.m.

**E. HOLIDAY/SPECIAL OCCASION PARENTING TIME.**

1. The holidays and special occasions are listed in calendar order and shall be alternated unless otherwise specified. See Holiday/Special Occasion Parenting Time Chart below.

Easter

The Easter holiday shall begin on Easter Sunday at 9:00 a.m. and shall end on Easter Sunday at 8:00 p.m.

Mother’s Day

The mother shall have parenting time each year on Mother’s Day beginning at 9:00 a.m. and ending at 8:00 p.m.

Memorial Day

The Memorial Day holiday shall begin on Memorial Day at 9:00 a.m. and shall end on Memorial Day at 8:00 p.m.

Father’s Day

The father shall have parenting time each year on Father’s Day beginning at 9:00 a.m. and ending at 8:00 p.m.

Independence Day

Independence Day shall begin on July 3 at 6:00 p.m. and shall end on July 5 at 9:00 a.m.

Labor Day

The Labor Day holiday shall begin on Labor Day at 9:00 a.m. and shall end on Labor Day at 8:00 p.m.

### Halloween

The Halloween holiday is defined as that day of the week that is designated for “trick-or-treating.” The Halloween holiday shall begin at 4:00 p.m. and shall end on Halloween at 8:00 p.m.

### Thanksgiving

The Thanksgiving holiday shall begin on the Wednesday before Thanksgiving at 6:00 p.m. and shall end on the Friday following Thanksgiving at 6:00 p.m.

### Christmas Eve

The Christmas Eve holiday shall begin on December 23 at 6:00 p.m. and shall end on December 24 at 9:00 p.m.

### Christmas Day

The Christmas Day holiday shall begin on December 24 at 9:00 p.m. and shall end on December 25 at 9:00 p.m.

### New Year’s

The New Year’s holiday shall begin on December 31 at 6:00 p.m. and shall end on January 1 at 8:00 p.m.

### Child(ren)’s and Parent’s Birthday(s)

Each parent shall have parenting time in alternating years for the child(ren)’s birthday(s). If the child’s birthday occurs on a school day, parenting time shall occur for four (4) hours. If the child’s birthday occurs on a non-school day, parenting time shall occur for eight (8) hours. If there is more than one (1) child, parenting time shall include all of the children. See *Holiday/Special Occasion Parenting Time Chart* below.

Each parent shall have parenting time each year on her/his birthday. If mother’s/father’s birthday occurs on a school day, parenting time shall occur for four (4) hours. If mother’s/father’s birthday occurs on a non-school day, parenting time shall occur for eight (8) hours.

2. *Holiday/Special Occasion parenting time shall take precedence over regularly scheduled parenting time. Additionally, if a parent’s holiday/special occasion parenting time either precedes or follows her/his regularly scheduled parenting time, then the parenting time shall be one continuous period of parenting time. For example, if a parent has the weekend preceding Memorial Day and Memorial Day is also that parent’s holiday, parenting time would begin on Friday at 6:00 p.m. and end on Memorial Day at 8:00 p.m.*

## **F. TELEPHONE CONTACT.**

The child(ren) shall be allowed reasonable access to each parent via telephone, e-mail, etc., when the child(ren) is(are) in the care of the other parent. Unless otherwise agreed, this shall include at least one telephone contact each week.

## **G. TRANSPORTATION.**

1. Generally, the parent exercising parenting time shall provide round-trip transportation for the minor child(ren) for her or his parenting time. If, however, the parents reside more than 20 miles (as the crow flies) away from each other, transportation for parenting time shall be shared.

2. Alternatives:

**Alternative 1.**

The parents can meet half way at the beginning and at the end of parenting time.

**Alternative 2.**

One parent can pick up the minor child(ren) at the beginning of parenting time and the other parent can pick up the minor child(ren) at the end of parenting time.

**Alternative 3.**

One parent can provide the round-trip transportation with monetary reimbursement for mileage from the other parent.

3. If the parents are not able to agree as to which alternative to be exercised, Alternative 1 shall apply.

**H. GENERAL PROVISIONS.**

1. Parents should exercise parenting time in a prompt manner.

2. Each parent shall have the child(ren) ready for parenting time at the specified time.

3. Extracurricular activities for a child are generally positive and to be encouraged. However, extracurricular activities for a child should not unreasonably interfere with the exercise of parenting time.

4. Parents shall at all times keep each other advised of their home address and telephone numbers.

5. A general itinerary (including airline, flight numbers, hotel, etc.) and emergency telephone number(s) shall be provided to the other parent if an out of town vacation is planned.

6. Clothing, prescription medication and other personal items shall be sent with the child for parenting time and shall return with the child at the end of parenting time.

**I. HOLIDAY/SPECIAL OCCASION PARENTING TIME CHART.**

<u>Holiday</u>	<u>Odd-Numbered Years</u>	<u>Even-Numbered Years</u>
Easter	Father	Mother
Memorial Day	Mother	Father
Independence Day	Father	Mother
Labor Day	Mother	Father
Halloween	Father	Mother
Thanksgiving	Mother	Father
Christmas Eve	Father	Mother
Christmas Day	Mother	Father
New Year's	Father	Mother
Child(ren)'s Birthday(s)	Mother	Father
Mother's Birthday	Mother	Mother
Father's Birthday	Father	Father
Mother's Day	Mother	Mother
Father's Day	Father	Father
Spring Break	Father	Mother
1 <sup>st</sup> Half of Winter Break	Mother	Father
2 <sup>nd</sup> Half of Winter Break	Father	Mother

**J. NUMBER OF OVERNIGHTS FOR PURPOSES OF CALCULATING CHILD SUPPORT IN ACCORD WITH THE MICHIGAN CHILD SUPPORT FORMULA.**

For purposes of calculating child support in accord with the Michigan Child Support Formula, parents who exercise "reasonable parenting time" shall be deemed to have 94 overnights per year.

FORMS USED: None

APPROVAL:

Reviewed at CCMT 2/02/2009

Date: February 5, 2009

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/s/  
Stephen D. Gorsalitz, Chief Circuit Judge