

PARENTING TIME QUESTIONS & ANSWERS

My order for parenting time states I will have “reasonable” parenting time. What does this mean?

An order that grants “reasonable” parenting time assumes that you and the other parent will agree to a parenting time schedule that is convenient for both of you and the child. If you and the other parent cannot agree on a “reasonable parenting time” schedule you may:

- Ask the other parent to agree to attend mediation with the Friend of the Court mediator or seek counseling (either with you or separately).
- Ask the Friend of the Court to determine whether the order is specific enough to allow the office to offer assistance.
- File a motion on your own (form “***FOC 65***” and “***Domestic Relations Judgment Information (FOC 100)***” – both available on this site). Filing fees may apply) or contact an attorney [which you must do if you have retained an attorney (for any reason)]. You CANNOT file this motion on your own. You MUST contact your attorney and have him/her do the filing.]

My order lays out a specific parenting time schedule. I would like to change that schedule. What can I do?

First, ask the other parent to agree to a change. If you agree, then both of you should file a “***Stipulated Motion for Change of Custody, Parenting Time and/or Domicile***” and “***Domestic Relations Judgment Information (FOC 100)***” found on this website (filing fee may apply) and you will be scheduled to meet with the FOC mediator. The judge usually will sign an order that is based on the parents’ motion. Remember that the agreement by itself is not enforceable; it must first be converted into a new court order.

If you cannot agree on the changes, either parent may ask the FOC to mediate the dispute. The FOC will provide mediation services if both parents agree to participate. If no agreement is possible, you may file a motion asking the court to order a new parenting time schedule. You may file the motion on your own, or have an attorney file it for you. (form “***FOC 65, Motion Regarding Parenting T***” and “***Domestic Relations Judgment Information (FOC 100)***” found in this section)

I am not getting my visitation / parenting time that the court ordered. What do I do?

Minor visitation problems are best resolved by the parties. With major and/or recurrent visitation problems, the FOC office may be contacted in writing by filing a “***Visitation Affidavit***” (found on this site – no fee required) or by telephone. If the investigator cannot resolve the problem, the case can be set for a hearing before the Circuit Court Referee. Possible sanctions of noncompliance to a court order include makeup visitations, court costs, or even the imposition of jail time. Friend of the Court employees

do not solve visitation problems between the parties, but rather are available to help the parties create their own solutions to the problem.

The other parent wrongfully withholds my visitations, do I still need to pay my full child support obligation?

Yes. Withholding visitation that has been ordered by the court is wrong. Failure to pay court ordered child support is also wrong. Two wrongs do not make a right.

May I take my child/ren out-of-state for a vacation without first obtaining court approval?

Normally yes. Vacations of a duration of two weeks or less normally do not require court approval. Protracted out-of-state vacations and all changes of domicile normally require court approval because such action will influence the rights of the other parent.

The other parent is not sending or returning clothing or other personal items that our child uses during parenting time. Can the FOC do something about that?

The FOC can only enforce the court's written orders. If your court order does not say anything specific about transferring clothing or other personal items, try to work it out with the other parent directly or with help, such as FOC mediation services. If that is unsuccessful, you may file a motion requesting a new court order (Form "*FOC 65*" and "*Domestic Relations Judgment Information (FOC 100)*" – both are found on this website) that will require that clothing or other personal items be transferred along with your child before and after parenting time. Filing fees may be required.

If I think that the other parent is under the influence of alcohol or drugs, do I have to let the children go with that other parent for scheduled parenting time?

That is your decision as a parent. If you violate the court order in such a situation, you may have to explain your decision to the court at a "show cause" hearing held to decide whether you should be held in contempt of court for disobeying the parenting time order. That will be your opportunity to explain why your decision was in the best interests of the children. If the judge agrees, you will not be held in contempt or otherwise punished. (Further details can be found under Procedural Issues – Show Cause)

The other parent will not let me telephone my children. What can the FOC do?

The FOC can only enforce the written orders of the court. If your court order does not provide for telephone calls, try to negotiate an agreement with the other parent. You may request FOC mediation or other methods of resolution. In addition, you may file a motion asking the court to modify the order to require that you be allowed to call your children. (Form "*FOC 65*" and "*Domestic Relations Judgment Information (FOC 100)*")

I think that my child is being abused during parenting time spent with the other parent. What should I do?

Report your concerns to the Department of Human Services' Child Protective Services Division in the county where the custodial parent and children live. The FOC does not have the authority to investigate abuse or neglect allegations, nor can it remove children from the home of a person who commits or allows mistreatment. Only Child Protective Services can do that.

I've been served papers for a change in our order and I disagree with the information given or want the FOC to know more before court, what can I do?

File a "*Response to Motion Regarding Parenting Time (FOC 66)*" available on this website.

If I object to the Referee's Recommendation, what can I do?

You can file for a DeNovo Review (form "*Objection to Referee's Order (DeNovo Review) FOC 68*" found on this site).