

FD/FOC 4052

USE THIS PACKET FOR REQUEST FOR PARENTING TIME/CUSTODY ENFORCEMENT

Please read this instruction sheet first.

You claim that the other parent has violated your court order regarding parenting time and/or custody. A “REQUEST FOR PARENTING TIME/CUSTODY ORDER ENFORCEMENT” is attached. Your situation *must* meet these four requirements:

- * **YES**, I have a Wayne County domestic relations case for my child(ren).
- * **YES**, I have a court order for custody and a parenting time schedule in my case.
- * **YES**, the other parent has violated the court ordered parenting time or has violated the custody provisions of the Order.
- * **YES**, the violation happened less than 56 days ago. If the denial of parenting time took place more than 56 days before the filing of this Enforcement Request, your Request will *not* be reviewed.
- * At a minimum, your Request for Enforcement must state the date(s) you were denied parenting time/custody, the custody or parenting time that is allowed in the current Court Order, and describe what happened that makes you believe that you have been denied the custody or parenting time that is allowed in your Court Order.

If your situation meets all the requirements and you follow the instructions below, the Friend of the Court will take steps to enforce your Order.

HOW TO COMPLETE A PARENTING TIME/CUSTODY ENFORCEMENT REQUEST

1. All documents must be typed or written with ink. **DO NOT USE PENCIL.**
2. You must tell the Court if the other party is incarcerated with the Michigan Department of Corrections on the document. If the other party is incarcerated, you have certain additional requirements that you must meet. These instructions are included in the INCARCERATED PARTY-SPECIAL INSTRUCTIONS (FD/FOC 4058). The instructional form is available at the Friend of the Court Scheduling Office, at the Friend of the Court Information Services Department, and online at the Court’s website, www.3rdcc.org, by clicking on the Forms tab.
3. **Attach a copy of your most recent parenting time/custody Order.** If you do not attach a copy of your most recent Order, your enforcement request may take longer.
4. Take the original and three copies of your “Request for Parenting Time/Custody Order Enforcement” to the office of the County Clerk:

Wayne County Circuit Court – County Clerk
2 Woodward Avenue
201 Coleman A. Young Municipal Center (CAYMC) (2nd floor)
Detroit, MI 48226

5. Put case labels (stickers) in the upper right hand corner of your original documents and page 1 of your copies (labels are available in **Room 201**). ***Be sure to date/time stamp your remaining copies.***

6. Take the copies of your Request to the Friend of the Court Scheduling Office for review:

Friend of the Court Scheduling Office
2 Woodward Avenue
900A Coleman A. Young Municipal Center (CAYMC) (9th floor)
Detroit, MI 48226

7. Once you submit your Request for Parenting Time/Custody Enforcement, your Request will be reviewed and one of the following actions will occur:
- a. A decision will be made that you do not have a parenting time schedule in your Order or custody in place that the Court can enforce. If such a decision is made, you will receive a letter notifying you that you must file a Motion to Modify Parenting Time or Custody.
 - b. Your case may be referred to the Dispute Resolution Unit/Family Assessment Mediation and Education Unit of the Court for a mediation with a qualified mediator. This process allows the parties to try to resolve this matter.
 - c. Make-up parenting time may be ordered in accordance with the current parenting time Order.
 - d. A hearing may be scheduled before the assigned Parenting Time Referee or Judge for a hearing on your Enforcement Request.

**THIS PACKET IS ONLY FOR ENFORCEMENT OF EXISTING
PARENTING TIME/CUSTODY ORDERS.**

IF YOU THINK THE PARENTING TIME OR CUSTODY ORDER SHOULD BE CHANGED, YOU MUST FILE A MOTION TO MODIFY PARENTING TIME (FD/FOC 4031) . Modification forms are available at the Friend of the Court, Information Services Department window, 2nd Floor Penobscot Building, Detroit, MI, or the Friend of the Court Scheduling Office, **Room 900A** Coleman A. Young Municipal Center. You can also get modification forms by accessing our website at www.3rdcc.org and clicking on the Forms tab.

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	REQUEST FOR PARENTING TIME/ LEGAL CUSTODY ORDER ENFORCEMENT	CASE NO. Hon. _____
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PLAINTIFF: Name and Address and Phone Number	DEFENDANT Name and Address and Phone Number
<input type="checkbox"/> This party is incarcerated and a telephone hearing is required _____ Prisoner ID # Dept. of Corrections' Prison Name	<input type="checkbox"/> This party is incarcerated and a telephone hearing is required _____ Prisoner ID # Dept. of Corrections' Prison Name

The other parent has denied me parenting time or custody rights that are in my Parenting Time/Custody Order.
 My daytime phone number is _____. My email address is _____.

The other party's daytime phone number is _____ email _____.

1. I have a domestic relations case (DM, DC, DP, DS) in Wayne County Circuit Court that orders custody and parenting time between me and the following children:

_____ birthdate _____	_____ birthdate _____
_____ birthdate _____	_____ birthdate _____

2. With whom does the child(ren) live? _____

3. I last saw the child(ren) for parenting time on _____.

4. I believe that I am entitled to the following parenting time according to the current Court Order: _____

*Be sure to attach a copy of your most recent custody/parenting time Order. If you do not attach a copy of your Order, your Enforcement Request will take longer.

5. The other parent has violated the Order(s) as follows: (Write down the violation(s) with date(s), and attach a copy of your Order). **Dates must have occurred in the last 56 days.**

Date: _____	Violation: _____
Date: _____	Violation: _____
Date: _____	Violation: _____

* Use additional sheets if necessary.

6. I have filed _____ previous Parenting Time/Custody Enforcement Requests. The Parenting Time/Custody Enforcement Requests were GRANTED DENIED
7. Is there a history of domestic violence between you and the other parent? YES / NO
8. DOMESTIC VIOLENCE: If there is a history of domestic violence, has a Restraining Order or Personal Protection Order been issued: YES / NO Is the Order still valid: YES / NO

Date Order Issued: _____ Issuing Court: _____ Case No: _____

The Restraining Order/Personal Protection Order was issued against: _____

9. I ask that enforcement action be taken by the Friend of the Court as allowed by law, based upon this request. **Wayne County Circuit/Wayne County Friend of the Court Staff will review each request for enforcement and determine the appropriate enforcement process. You will receive notification, by mail, as to the next step in the enforcement process.**

My statements and answers on this form are true to the best of my information, knowledge and belief.

DATE

YOUR SIGNATURE

NOTICE TO THE PETITIONER (the parent who filed this request for enforcement): PLEASE BE ADVISED THAT THE OPPOSING PARTY WILL RECEIVE A COPY OF THIS REQUEST FOR ENFORCEMENT.

NOTICE TO THE RESPONDENT (the parent against whom this complaint is filed): YOUR FAILURE TO RESPOND *IN WRITING* TO THE FRIEND OF THE COURT SCHEDULING OFFICE (900A COLEMAN A. YOUNG MUNICIPAL CENTER, 2 WOODWARD AVENUE, DETROIT MI 48226) WITHIN 21-DAYS AFTER THIS NOTICE WAS SENT SHALL BE CONSIDERED AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKEUP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE APPLIED.

YOU MUST USE A “MOTION TO CHANGE PARENTING TIME – FD/FOC 4031” OR “MOTION TO CHANGE CUSTODY – FD/FOC 4018” INSTEAD OF THIS FORM IF:

- YOU DO NOT HAVE A PARENTING TIME ORDER
- YOU WANT TO CHANGE THE CURRENT PARENTING TIME ORDER OR CUSTODY ORDER

YOUR MOTION/ENFORCEMENT REQUEST WILL BE REVIEWED BY THE FRIEND OF THE COURT. YOU WILL RECEIVE FURTHER INSTRUCTIONS BY MAIL INCLUDING THE DATE OF ANY SCHEDULED MEDIATION OR YOUR SCHEDULED HEARING DATE.

FOLLOW THE ATTACHED INSTRUCTIONS TO SUBMIT YOUR DOCUMENTS