

# How to Change or Enforce an Existing Parenting Time (Visitation) Order



## How do I modify parenting time after the court has issued an order?

You must give the judge a reason for your request. You must show the judge:

1. The existing schedule is no longer in the child's best interest.
2. A different schedule is needed to meet the child's best interests.

Examples of circumstances that would justify a change in parenting time are:

- You have a new job that requires you to work during hours you are scheduled to visit your child.
- Your child is enrolled in some activity that is scheduled during the time you are supposed to visit with him or her.

It is helpful to give the judge a proposed parenting time schedule.



## What do I do to enforce or modify a parenting time order?

If you have a parenting time order and are being denied visitation with your child as stated in the order, you should file a **Motion for Contempt for Denying Visitation** in the same court that issued your parenting time order.



## What does the judge look at when modifying parenting time?

The judge will look at several factors when modifying a parenting time schedule. They include:

- The distance between each parent's residence.
- The health and safety of the child.
- The amount of time the child will spend with siblings.
- The mental and physical health of all parties.
- Each parent's willingness to reschedule missed visitation and to help the other parent easily exercise visitation rights.
- The age of the child.
- The child's adjustment to home, school, and the community.



## What do I need to show to enforce an existing parenting time order?

To enforce an existing parenting time order from a court, you need to show that the parent of your child either did not follow some part of the order or interfered with a right of yours under the order.

You cannot force a parent to exercise visitation rights if he or she chooses not to do so. A judge will not grant a contempt motion for this.

A parent cannot deny the other parent visitation because he or she failed to make child support payments. Child support and visitation are considered separate issues by the court. If the other parent has not paid child support, you can file a Motion for Contempt.



## What happens at the court hearing?

### What to bring to court:

- The court's previous Parenting Time Order.
- Witnesses who can testify (from what they have seen or directly heard) that what you tell the court is true.
- Any evidence to support your motion.

### During a modification hearing:

1. Explain generally to the judge:
  - What has changed since the first order was issued. (For example, you got a new job.)
  - How this change has interfered with the current parenting time schedule, and
  - How a change in the visitation schedule would improve the situation.
2. Tell the judge what you want him or her to do.

### During a contempt hearing:

1. Identify the exact part of the current court order that you think has been violated.
2. Explain to the judge when and how the order was violated. Be specific and to the point. Provide exact dates and times for each act that violated the order.
3. Present evidence and witnesses. Show the judge any evidence you may have to prove that a violation occurred, such as copies of visitation records that you may have kept.
4. Say what you want the judge to do.

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