

[COA Opinion: Courts may not enforce parenting time rights by modifying child support obligations](#)

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In [Ewald v. Ewald](#), No. 295161, the Court of Appeals held in a case of first impression that the Support and Parenting Time Enforcement Act does not permit the enforcement of parenting time rights by adjusting child supports obligations, even if a parent's actions caused a child to refuse to visit the other parent.

The parties had two children when they divorced in 2009. Before the plaintiff filed for divorce, the parties separated and the defendant moved into a nearby residence. The parties' son resided with the plaintiff, and the daughter lived with the defendant. Soon after the separation, the son had a falling out with the plaintiff and stopped visiting her. Although the plaintiff sought counseling to repair the relationship, she never sought a court order to enforce parenting time. The trial court ultimately adopted the parties' agreement regarding parenting time of their son, which provided that that it would be held in abeyance until the parties agreed otherwise or the court order a change.

Although the parties' son only lived with the plaintiff, the trial court ruled that child support would be calculated as if the parties' son spent significant time with the defendant. The trial court based its decision on the belief that the estrangement between the defendant and her son was attributable to the plaintiff, and that he should "not be permitted to profit" from such behavior by paying less in child support.

The Court of Appeals vacated the child support order and remanded for reconsideration, requiring the trial court to follow the Michigan Child Support Formula ("MCSF") without deviation. In addition to finding insufficient evidence to support the trial court's conclusion that the plaintiff was at fault for the estrangement, it also held that a court may not enforce parenting time rights through assessment of child support obligations. The Court noted that the MCSF specifically requires parenting time offset to be calculated on actual overnights a child spends with a parent, and that none of the deviation factors permit altering that calculation based on one parent's interference with another parent's parenting time. The Court reasoned that such issues are properly resolved through other methods, such as make-up parenting time and contempt sanctions, not through adjustment of a child support award.