

What Is the Process for Modifying Parenting Time?

After your divorce, the time your child spends with you vs. with the other parent is spelled out in the Allocation Judgment. But things change, and you might need to make an adjustment. How do you go about changing that arrangement?

The modification usually is based on a schedule change.

The process to modify parenting time Illinois involves showing that there are changes to the child's schedule, or a parent's schedule (new job, new shift, etc.). These shifts may be due to changes involving extracurricular activities, hobbies, medical conditions, or other aspects of the child's day-to-day life.



The specific change in circumstance will determine what kinds of documents or evidence you will need to provide to support your change. For example, if it is a matter of a change in medical conditions, you will need medical bills, medical records, and any pertinent doctor testimony. If it is an after-school sport, you would need the school's schedule for that activity.

Sometimes the need for modification can be a result of a parent getting a different job, or a new work schedule that impacts their ability to spend

time with the child. If there has been this kind of change in schedule, you will need to obtain a letter from your employer. However, keep in mind that this may be considered hearsay (an out of court statement "offered to prove the truth of the matter asserted") and therefore won't be admitted as evidence, but you still want your new schedule in writing and signed off by your employer.

With parenting time, you are dealing with the somewhat subjective rhythm of people's day-to-day lives, rather than with objective numbers, such as income. But you still need to document the reasons you are seeking to make a change.

The change in circumstances can also be from one parent not using their visitation

In other instances, one parent may want to modify the parenting time because the other parent isn't using their visitation. Often this happens when a parent infrequently takes the kids for his or her weekend. Not only does this let down the children, but it is also an inconvenience for the primary parent. Without notice, that parent must now alter his or her weekend schedule to accommodate the children. That may or may not be a big deal to the primary parent who may welcome having the kids



for that weekend. It nevertheless requires some last-minute planning.

Judges are not very sympathetic to the parent who doesn't use his or her parenting time. "If you want to be involved in your kids' lives, then you'll make that happen." A judge will readily change the parenting time to reflect the historical reality of how visitations have, or have not been, happening.

The Allocation Judgment may determine what steps you need to take.

Before you file a motion for modification, be sure that you review the Allocation Judgment that sets out the division of parental responsibilities and parenting time.

Many firms, including ours, make a practice of including a clause in the Allocation Judgment that says that the parties can modify the parenting plan or visitation/custody arrangement by written agreement. A clause of this kind means that parties have to follow this series of steps before going to court.

The steps typically outlined in this clause are:

- Submit a written request to the other party to change a parenting plan or visitation agreement.
- Attempt to have a phone conference with the other party.
- Seek mediation or arbitration to resolve any conflict.

Ideally, the other party would simply respond to the written request, and the two of you would compose and sign a written note documenting the change. (Of course, if you are on amicable terms, you can call them and get their agreement; but you should then still get it in writing.) If that happens, no further steps are needed.

If there is no response after 7 to 10 days, you would then move on to step two, and try to have a phone conference. If the other party will not have a phone conference, you would then have to seek mediation or arbitration to resolve the conflict. If no resolution can be reached after following these steps, you would then file a motion before the court.



Do not try to cut corners in this process.

The process spelled out in this clause can save a lot of cost and delay, as well as minimize wear and tear on both parties. But it is also a double-edged sword – it can work against you if try to cut corners.

If you file the motion for modification you and you have not followed the steps, the other parent can file sanctions against you for not following the judgment. They can argue that you have filed an untimely motion and cost them attorney fees against. If the court agrees and it is found to be a frivolous and untimely motion, you might then be responsible for paying the attorney fees they were charged for their defense against it.

On the other hand, if the other parent filed the motion without having followed the steps, this is now in your favor. It provides you with some leverage in the negotiation process for changes.

Cooperation or lack thereof can impact the outcome of your case.

It is important to always follow the judgment order to the best of your ability, and to seek a cooperative resolution before filing a motion before the court.



Cooperation and co-parenting are key factors in the law for in determining who gets the majority of parenting time, as well as in regards to modification of those arrangements. If you are the party filing the motion and you have taken all the necessary steps, the other party can appear uncooperative before the judge. Their uncooperativeness will reflect poorly on them in court.

Uncooperativeness directly prevents the parents from effectively making significant decisions required for the child on a day-to-day basis. You

can argue that you can't be expected to petition the court every single time a decision needs to be made, and that if the other party is included in decision-making, that is basically what is going to happen due to their unwillingness to cooperate. The court also does not want you appearing before it all the time, so this argument is could make strong impression on the court.

To sum up, in order to make adjustments to your parenting time arrangements, you need to show that there has been a change in circumstances that affects the child's schedule. Your Allocation Judgment may set out specific steps you need to follow before going to court. These steps can save time, money, and hassle, but can work against you if you don't follow them. As in all situations involving child custody, it is important to demonstrate that you can be cooperative with the other parent.

If you have questions about divorce, child custody, or child support, we can help. Get the answers you need by calling (833) 256-6644 today, or schedule an [initial consultation](#).

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