

Rule 23: STANDARD PARENTING TIME GUIDELINES

23.01 In General

THE COURT STRONGLY ENCOURAGES PARENTS TO CREATE COOPERATIVE PARENTING TIME SCHEDULES TAILORED TO THE SPECIFIC NEEDS OF THEIR CHILDREN, THE PARENTS' RESPECTIVE WORK HOURS, AND THE COLLECTIVE NEEDS OF EACH HOUSEHOLD.

For parents who are unable to agree on a parenting schedule, the Court sets forth in this Rule a plan to ensure the minor children have frequent and consistent contact with both parents.

The Court's plan reflects: (1) the preservation/development of a close relationship between the children and each parent; and, (2) consideration of the changing developmental needs of the children.

If parents cannot agree on their own plan or the Court's plan due to objections because of special circumstances (such as travel time, work requirements, substance abuse, mental illness or violence), the parents must be prepared to present specific facts in a hearing as to a plan which is in the best interests of the children.

23.02 Infants: 0 - 2 Months

For infants younger than two (2) months of age, the non-residential parent may spend time with the infant in the residential parent's home three (3) days per week, for two (2) hours per visit. If the parties cannot agree as to days and time, the following schedule shall be followed: on each Sunday from 2:00 p.m. to 4:00 p.m., and on each Tuesday and Thursday evening, from 6:00 p.m. to 8:00 p.m.

23.03 Infants: 2 Months - Age 2

Commencing at age two (2) months, parenting time is spent away from the residential parent's residence.

(A) Beginning at two (2) months through twelve (12) months, the non-residential parent may spend time with the child away from the residential parent's residence every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and one day each weekend, alternating between Saturday and Sunday, from 10:00 a.m. to 6:00 p.m.

(B) From thirteen (13) months through twenty-three (23) months, the non-residential parent may spend time with the child as follows: every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and on alternating weekends from Saturday at 10:00 a.m. to Sunday at 6:00 p.m.

(C) **Holidays:** In odd numbered years, the non-residential parent may spend time with the children from 10:00 a.m. to 6:00 p.m. on President's Day, Memorial Day, Thanksgiving and Christmas Eve. In even numbered years, the non-residential parent may spend time with the children from 10:00 a.m. to 6:00 p.m. on Easter, July 4th, Labor Day and Christmas.

(D) **Older Siblings:** If there are older brothers and sisters of the infant children, the parenting time (including holidays) set forth below for children ages two (2) years through twelve (12) years shall govern infant visitation, once the infant is two months old.

23.04 Children - Age 2 Through 12

(A) **Weekends:** Alternate weekends beginning Friday at 6:00 p.m. and ending Sunday at 6:00 p.m.

(B) **Weekdays:** Every Wednesday (or other day by agreement) from 5:30 p.m. to 8:30 p.m.

(C) **Holidays:** In odd numbered years, the residential parent will have the children on:

Easter: from Saturday at 6:00 p.m. to Sunday at 7:00 p.m.

July 4th: from 9:00 a.m. to 11:00 p.m.

Labor Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

Christmas: from December 24th at 9:00 p.m. to January 1st at 6:00 p.m.

In odd numbered years, the non-residential parent will have the children on:

President's Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

Memorial Day: from Friday at 6:00 p.m. to Monday at 7:00 p.m.

Thanksgiving: from Wednesday night at 6:00 p.m. to Thursday at 7:00 p.m., unless the following weekend is the non-residential parent's regularly scheduled weekend, in which case the parenting time shall continue until Sunday at 6:00 p.m.

Christmas: from December 21st or the last day of school, whichever is later, at 6:00 p.m. to December 24th at 9:00 p.m.

Spring Break: commencing at 9:00 a.m. the day after school recess, to 6:00 p.m. the day before school resumes.

In the even numbered years, this schedule will be reversed. If any of the above holidays fall on a Monday following that parent's regular weekend, then the parenting time will be continuous through Monday evening at 7:00 p.m.

Mother's Day: shall be spent with the mother from 9:00 a.m. to 7:00 p.m.

Father's Day: shall be spent with the father from 9:00 a.m. to 7:00 p.m.

Birthdays: Children's birthdays shall be celebrated in the home of the residential parent, unless the birthday falls on a scheduled parenting time of the non-residential parent.

(D) **Extended Parenting Time, Summer Vacations and Travel:** The non-residential parent shall have extended parenting time with the children to coincide with his or her work vacation if possible. The parenting time may extend to two (2) weeks (non-consecutive) for ages two (2) to four (4) years; it may extend to two (2) consecutive weeks for ages four (4) and five (5) years; and it may extend for up to four (4) weeks (with no more than two weeks being consecutive) for ages six (6) through twelve (12) years. The residential parent may also have an extended vacation with the children not to exceed two (2) weeks. All parenting/vacation time taken under this section must be taken in blocks of time of at least seven (7) days. Each parent must give the other party thirty (30) days prior written notice of the dates he or she intends to have extended parenting time or vacation with the child or children. In the case of conflict, the schedule of the parent who first gives written notice to the other parent shall prevail. For any vacation or holiday travel, each parent must provide the other parent with destination, times of arrival and departure, and methods of travel. If there are children in different age brackets, the provisions set forth for the oldest age bracket shall govern as to all children, except that there shall be no extended parenting time/vacation for children under two (2) years of age. **NOTE:** Child support will not be reduced during summer vacation periods specified in this provision.

23.05 Teenagers - Age 13 Through 18

(A) Regular parenting time by the non-residential parent on alternating weekends, midweek, and during holidays, and for extended time during the summer months as set forth in Loc. R. 23.04 shall apply to teenagers. Parents are urged to understand a child's normal social development during these sensitive years.

(B) In exercising parenting time with a teenager, the non-residential parent shall make reasonable efforts to accommodate a teenager's participation in his/her regular academic, extracurricular, and social activities.

23.06 Rules Regarding Parenting Time

(A) **Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:

- (1) Holidays
- (2) Vacation periods or extended parenting times
- (3) Weekends and mid-week days

For example, one parent may not schedule his or her summer vacation to include July 4th, if July 4th is the other parent's holiday that year. As another example, the residential parent may be entitled to have the children on the Easter holiday, even though it falls on the non-residential parent's alternating weekend. In this case, the non-residential parent's weekend shall conclude at 6:00 p.m. on Saturday evening.

(B) **Illness:** Any weekend parenting time that is missed due to the illness of a child shall be made up the following weekend or as the parties may mutually agree. The residential parent shall promptly notify the non-residential parent of the child's illness prior to the exercise of parenting time. The Court does not expect parents to abuse the intent of this Rule and interfere with the non-residential parent's time with the child.

(C) **Telephone and Mail:** The non-residential parent may have reasonable telephone contact with the children, not to exceed once a day between the hours of 7:00 a.m. and 9:00 p.m. If the children are not available, the children should return the telephone call. The residential parent shall encourage free communications between the children and the non-residential parent, and shall not do anything to impede or restrict reasonable communications by telephone or mail between the children and the non-residential parent, whether initiated by the children or the non-residential parent. Any mail between the children and either parent shall be strictly confidential and shall not be opened or read by the other parent. This Rule applies equally to the non-residential parent when the children are spending time with the non-residential parent.

(D) **Cooperation:** Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the children.

(E) **Exchange of Phone Numbers:** Each parent must, unless this Court orders otherwise, keep the other parent informed of his and her current telephone number and a telephone number where the children may be reached. This includes cell phone numbers of the parents.

(F) **Grace Period:** The transporting parent for parenting time shall have a grace period of fifteen (15) minutes for pick up and delivery, if both parties live within thirty (30) miles of each other. If the one way distance to be traveled is more than thirty (30) miles, the grace period shall be thirty (30) minutes. In the event the non-residential parent exceeds the grace period, that period of parenting time is forfeited unless prior notification and arrangements have been made, excepting cases where the non-residential parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown, or delay en route and the non-residential parent promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent shall be cause for granting a modification of the parenting order.

(G) **Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the children shall arrange transportation.

(H) **Clothing and Supplies for Children Under Age Ten:** The residential parent shall send with the children on parenting time sufficient clothing and outerwear appropriate for the season and for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two (2) extra sets of play clothes, one (1) dress outfit and underwear, in addition to the clothes the children are wearing at the time of the start of the weekend. In the case of infants, the residential parent shall send with the children sufficient bottles, formula and diapers, and shall inform the non-residential parent of the child's sleeping and eating schedules. The non-residential parent shall return all items that are sent with the children at the end of his or her parenting time.

(I) **Children's Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). Parents need to realize the significance of these activities in their children's lives, and flexibility is encouraged. It is the responsibility of the parents to discuss extra-curricular activities of the children in advance, including time, dates and transportation needs, so that the children are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e., activity schedules, maps, instructions) that are distributed in connection with the children's activities. The parent who has the children during the time of scheduled activities is responsible for transportation, attendance and/or other arrangements. Both parents are encouraged to attend all their children's activities

CONCLUSION

Parents are encouraged to allow for flexibility in the foregoing schedule to best suit the changing needs of the children and the employment schedules of the parents. HOWEVER, absent an order of this Court, the foregoing schedule shall be followed unless there is a clear, mutual understanding between parents to deviate. Any such deviation shall be in writing to document the parents' mutual understanding.

03/2005