

**Allocation of Parental Rights and Responsibilities
PARENTING PLAN SCHEDULE
Court of Common Pleas, Lucas County, Ohio
Juvenile Division**

September 2014

This Parenting Plan Schedule is based upon two guiding principles: First, the child's age/development (as accepted in fully accredited academic programs for medical personnel, mental health professionals); and, Second, predictability for parents and child.

Parents of very young children should keep in mind:

- For children up to age 2: At a time the residential parent and legal custodian begins to allow the child to be cared for by other caregivers, the non-residential parent with parenting time could be equally involved.
- For children up to age 5: Vacation limits apply to both parents. Prolonged absence of children from either parent is not recommended.
- The child should be returned to the custodial parent's home one hour before bedtime. If this means ending earlier than the scheduled end times, then the beginning times shall be adjusted accordingly. Total time will be the same. If bedtimes change, one week notice must be given.

If the Court Order or Decree indicates that the Court Schedule is the order for parenting time/access, then the ORDER OF THE COURT IS THE FOLLOWING:

PARENTING TIME SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE. This shall not be less than:

| | |
|---|---|
| <u>Age 0 - 4 Months:</u> | <u>Age 2 - 3 years:</u> |
| Frequent, short visits in the baby's home, or taking the child out for walks or drives if sleeping and feeding are provided for. If the custodial parent is <u>not working: Daily from 6:00 p.m. until 8:00 p.m.</u> If the custodial parent <u>is working: 2 hours during day care, or Monday, Wednesday, Friday and Sunday from 6:00 p.m. until 8:00 p.m.</u> Midweek: Wednesday from 6:00 p.m. to 8:00 p.m. Vacation: none Holidays: All from 5:00 p.m. to 7:30 p.m. | Alternate Weekends: Court Schedule Midweek: Court Schedule Vacation: Court schedule limited to 7 consecutive days with 30 days notice Holidays: Court Schedule |
| <u>Age 4 - 9 Months:</u> | <u>Age 3 - 5 years:</u> |
| Fridays: 5:30 p.m. to 8:30 p.m. Sundays: 2:00 p.m. to 5:00 p.m. Midweek: Wednesday from 5:00 p.m. to 7:30 p.m. Vacation: 24 hours on 2 occasions Holidays: Court Schedule Days from 5:00 p.m. to 7:30 p.m. | Alternate Weekends: Court Schedule Midweek: Court Schedule Vacation: Court schedule limited to 12 consecutive days with 30 days notice Holidays: Court Schedule |
| <u>Age 9 - 18 Months:</u> | <u>Age 5 - 16 Years:</u> |
| Week 1: Saturday from 11:00 a.m. to 7:00 p.m. Week 2: Sunday from 11:00 a.m. to 7:00 p.m. Midweek: Wednesday from 5:00 p.m. to 7:30 p.m. Vacation: 48 hours on 2 occasions, with 30 days notice Holidays: Court Schedule Days: from 5:00 p.m. to 7:30 p.m. | Alternate Weekends: Court Schedule Midweek: Court Schedule Vacation: Court Schedule Holidays: Court Schedule |
| <u>Age 18 - 24 months:</u> | <u>Age 16 - 18:</u> |
| Fridays from 7:00 p.m. to Saturdays at 7:00 p.m. Midweek: Wednesday from 5:00 p.m. to 7:30 p.m. Vacation: 3 days on 2 occasions with 30 days notice Holidays: Court Schedule | On alternate weekends, child can choose either Saturday from 7:00 p.m. to Sunday at 7:00 p.m.; or Friday from 7:00 p.m. to Saturday at 7:00 p.m. with one week notice to non-residential parent. Midweek: Court Schedule Vacation: Court schedule with consideration for child's job or sport schedule Holidays: Court Schedule |

COURT SCHEDULE:

Alternate Weekends: Every other weekend from Friday night at 7:00 p.m. to Sunday night at 7:00 p.m.

Midweek: In addition, the child(ren) shall spend a minimum of one week day as follows with the non-residential parent:
For a child not yet in mandatory education, 5:00 p.m. to 7:30 p.m.
For a child in grades Kindergarten to 8th grade, 5:00 p.m. to 8:00 p.m.
For a high school student, 5:00 p.m. to 9:00 p.m.

If there is more than one child, the hour of return shall be the hour for the youngest child. **Wednesday** shall be the midweek day unless parents agree otherwise. If a child is in a child care arrangement, the non-residential parent may not pick up the child from the caretaker without the prior permission of the residential parent in writing.

Days of Special Meaning:

- A. Mother’s Day shall always be spent with the mother, Father’s Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the time is 10:00 a.m. to 7:00 p.m. The child(ren) shall spend the rest of the weekend with the parent who normally has that weekend.
- B. The child’s birthday shall always be spent with the mother in the even-numbered years, and shall always be spent with the father in the odd-numbered years. If the parties cannot agree on times, the time is 10:00 a.m. to 8:00 p.m., for a child not in school on the birthday; and 5:00 p.m. to 8:00 p.m. for a child in school on the birthday. The other parent can celebrate on another date. The child’s birthday is to be spent with the designated parent, even if the other parent is entitled to weekend, mid-week, holiday or vacation with the child.
- C. **Halloween: Mother shall have Halloween in the even years and Father in the odd years through the child’s 6th grade year. If the parents cannot agree on times, the hours will be from 5:00 p.m. until 8:30 p.m. on the date Halloween is celebrated in that parent’s community.**

Unless the parents agree otherwise, each parent will be responsible for providing the child’s costume for trick or treating or any other Halloween activities that occur during his/her own parenting time. Halloween is to be spent with the designated parent even if the other parent is entitled to weekend, mid-week, or vacation with the child(ren).

- D. Other days of special meaning, such as religious holidays, Martin Luther King Day, etc., should be discussed and must be written into the Court Order, or agreed upon by the parties.

Holidays: Parents may wish to change by agreement a holiday in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

| | <u>Even-Number Years</u> | <u>Odd-Numbered Years</u> | <u>As Agreed, Or</u> |
|--------------------|--------------------------|---------------------------|---------------------------|
| Easter | Father | Mother | Sunday, 10am - 7pm |
| Memorial Day | Mother | Father | Sunday 7pm - Monday 8pm |
| July 4 | Father | Mother | 7/4 @9am - 7/5 @9am |
| Labor Day | Mother | Father | Sunday 7pm - Monday 8pm |
| Thanksgiving | Father | Mother | Thursday 9am - Friday 9am |
| Christmas Eve | Mother | Father | 12/23 9pm - 12/24 10pm |
| Christmas Day | Father | Mother | 12/24 10pm - 12/25 9pm |
| New Year’s Eve/Day | Mother | Father | 12/31 5 pm - 1/1 9 pm |

Holidays will take priority over any other parenting time, except birthdays. A holiday that falls on a weekend shall be spent with the parent who is designated to have the child(ren) for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. This time does not have to be made up.

Breaks:

- I. Father will have Spring School Break in the even numbered years, and Mother will have Spring School Break in the odd numbered years.
- II. Mother will have the beginning of Winter School Break until December 24 at 10:00 pm in the even numbered years. Father will have from December 24 at 10:00 pm until the end of the break. In the odd years, the time periods will reverse.
- III. The Break begins when the school schedule says it begins, and ends at 7:00 pm the night before school resumes. It is understood that not all the schools of children in the same family will necessarily have the same break.

Vacation:

- I. Four (4) weeks of parenting time each year are to be arranged by the non-residential parent whom must provide advance notice by May 1 to exercise said vacation time. The non-residential parent’s choice of vacation has priority over the residential parent’s choice, unless the

residential parent's vacation is an annual mandatory shut-down of their place of employment, or unless the residential parent is required by an employer to give more than sixty (60) days notice of intent to take a vacation and the non-residential parent has no similar requirement. The residential parent must give the other parent not less than sixty (60) days advance notice of vacations or special plans for the child to avoid planning conflicts. Parents who cannot resolve vacation scheduling conflicts may file a motion in the Court. Due to legal notice requirements, the hearing may not be scheduled until 21 days after filing.

- II. Summer school necessary for the child to pass to the next grade must be attended. Extended parenting time (vacation) may be scheduled by either parent during a mandatory summer school period, but the child must attend all classes.
- III. Each parent must provide the other parent with destination, times of arrival and departure and method of travel if the vacation will be outside the parent's community.
- IV. Vacation must be exercised in minimum periods of one week, and the non-residential parent has the right to determine whether to exercise vacation in periods of two, three or four weeks.
- V. Alternate weekends which normally would be spent with the residential parent, which fall during the non-residential parent's vacation must be given to the residential parent, or made up at another time. Alternate weekends which normally would be spent with the non-residential parent and that fall during the residential parent's vacation must be given to the non-residential parent or made up at another time.

Parenting Presumptions:

- A. Basis for Schedule: This parenting plan and access schedule presumes that the father and mother are good parents and that a child is safe with either parent. The father and the mother shall respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economic support; and the father and mother shall respect the right of the other to parent their child(ren).
- B. Keeping the Children Together: This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.
- C. Child's Response to Parenting Time: It is normal when parents first separate that a child may have a strong emotional reaction to saying goodbye to one parent and going with the other parent. Parents need to know that the emotional response is quite natural, and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary. If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a motion with the court. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME WITH THE NON-RESIDENTIAL PARENT.
- D. Exercise of Parenting Time: This schedule presumes that the non-residential parent shall be there for all the parenting times and days for Weekends, Mid-weeks, Days of Special Meaning and Holidays, and that no advance notice to the residential parent is necessary (except for the child's birthday and vacation, unless the parties agree otherwise). The residential parent shall have the child(ren) ready.
- E. Cancellation of Parenting Time by Non-Residential Parent: The non-residential parent must give notice of intent NOT to have parenting time, not less than twenty-four (24) hours in advance, unless a last minute emergency occurs. A parent who does not exercise parenting time forfeits the time. The schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled parenting times where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights of parenting time modified, and may be subject to other legal remedies as well, upon motion by the residential parent.
- F. Returning the Child(ren) After Exercising Parenting Time: This schedule presumes that the non-residential parent will not return the child(ren) prior to the end of their parenting time period stated (not early, not on a different day), unless the parents agree in advance, and the residential parent or other responsible adult will be present when the child(ren) is returned.
- G. Transportation: The non-residential parent has the responsibility for picking up and returning the child(ren), unless the parties agree to a different arrangement or the Court orders a different arrangement. The non-residential parent, if unavailable for the pick-up or delivery of the child(ren), must use an adult well-known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licensed drivers may transport the child(ren).
- H. Clothing: The residential parent is responsible for providing sufficient appropriate clean clothing for every parenting time period based on the lifestyle of the residential parent and child. If the planned parenting time activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance of the parenting time period. If the child does not have the type of clothing required, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time period.
- I. School Work: A parent must provide time for any child to study, complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with the parent's plans with the child(ren). If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the other parent of the work to be done, and it must be completed.
- J. Address and Telephone Numbers: Each parent must, unless the court orders otherwise, keep the other informed of his and her current address and telephone numbers, and an alternate telephone number in the event of an emergency. The residential parent must notify the Court and the non-residential parent of their intent to relocate 60 days in advance of any move.

- K. Family Traditions: This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new traditions will develop.

It is also expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins and any other family members during such times as they are with each parent.

- L. Child(ren)'s Activities: Scheduled parenting times shall not be delayed or denied because a child has other scheduled activities (with friend, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child(ren) in advance, including times, dates and transportation needs, so that the child(ren) is not deprived of activities and maintaining their friends. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child(ren)'s activities. Each parent is entitled by law to equal access to the student activities of their child(ren), unless limited by Court Order.

- M. Illness or Injury of a Child: If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If the child becomes ill while with the residential parent prior to a scheduled parenting time with the non-residential parent, the parent must contact the other parent and discuss the advisability of whether the parenting time should take place with the best interests of the child as the primary consideration. Parents should consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, parenting time plans, and any other important issues.

If the parents agree that the child should go for the parenting time period, then the residential parent **MUST** provide written instructions and sufficient medication to last during the parenting time period to the other parent. The non-residential parent must care for the child as directed, notifying the other parent if the child's condition worsens, or does not improve as might reasonably be expected.

If the parents cannot agree that the child should go for the parenting time period, then the non-residential parent has the right to visit the child, for not more than one hour, at the time scheduled for the parenting time period to begin. This does not apply if the Order of any court or consent agreement prohibits the non-residential parent from being at the home. If another child is scheduled to have parenting time, then the regular parenting time must go on with that child. If the parenting time period is canceled due to the child's illness or injury, then the time must be made up within sixty (60) days to the non-residential parent, at a time of his or her choice.

If the child becomes ill or injured during the parenting time period warranting the use of medication or medical or dental consultation, the non-residential parent must secure appropriate emergency treatment.

**NO SCHEDULE CAN ADEQUATELY SPELL OUT WHAT SHOULD BE COMMON SENSE
WHEN DEALING WITH AN ILL OR INJURED CHILD.**

Any allergy or chronic condition suffered by a child must be communicated in writing from the residential to the non-residential parent, including medication or treatment recommended for the illness or condition.

If a child often misses parenting time periods due to illness or injury, then a non-residential parent may require the child to be examined by the child's usual physician. The examination shall be at the expense of the non-residential parent. The examination of the child may be in the presence of the non-residential parent, subject to the discretion of the treating physician. If the residential parent refuses to schedule a medical appointment as requested, the non-residential parent may file a motion.

- N. Communication Between Parents: IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about the issue of parenting time, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate, or become involved in parental differences over parenting time periods, dates or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child to resolve the parents' inability to talk to each other.

When Parents Do Not Communicate With Each Other: Parents temporarily may use other adults to make arrangements for parenting time but the best solution is to seek professional help to learn or improve their ability to work together for their child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

- O. Discipline and Changes in Child(ren)'s Behavior: It is presumed that the parents use methods of discipline consistent with the law, and consistent with each other as much as possible, and will communicate with each other if a child is becoming a discipline problem.

Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreements over appropriate discipline, or solutions to their child's problems, and cannot resolve their disagreement should seek the assistance of a mental health professional. Examples of times for concern are decline of child's grades, serious or chronic problems with school, dramatic changes in behavior, or delinquency, to name a few.

- P. Step-Parent Name: A parent should not, nor permit any other person to suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad".

- Q. Child's Records:

1. **Name:** The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adopted name only.
2. **School Records:** The residential parent is responsible to personally provide copies of every grade card or notice regarding the child(ren) within five (5) days of receipt, and may not use the child(ren) to deliver the grade cards or notices. The residential parent must list the non-residential parent as a parent of the child, and must authorize the school to release to the non-residential parent any and all information concerning the child(ren). The residential parent must personally inform the other parent of school or special activities, such a parent-teacher conferences, school programs, athletic events, honors programs, special ceremonies, graduation events and any other school activity in which the child(ren) is involved as soon as (s)he receives the notice. Both parents are entitled by law to equal

access to their child(ren)'s records, unless limited by court order. The non-residential parent shall have access to the child(ren)'s day care center, unless limited by court order.

3. **Medical Records/Consultation:** The residential parent shall, upon request by the non-residential parent immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometry or mental health records of the minor child(ren). Both parents are entitled to equal access to their child(ren)'s records, unless limited by court order.
- R. **Communication Between Parent and Child:** Each parent has the right to talk over the telephone with the child(ren) as often as the parents agree. If the parents do not agree, then the non-residential parent should not normally have telephone privileges more than twice per week. In addition, a parent may call a child once during a scheduled or agreed parenting time period that is missed. Also, the residential parent has the right to call a child when on vacation with the other parent as the parties can agree, if no agreement, then the residential parent has telephone privileges twice per week if the vacation period takes place at the other parent's home. Phone calls should be during normal hours that a child is awake; and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call. A child is permitted to call a parent.
- S. **Non-Compliance With Court Order:** Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. A parent may not withhold the rights of parenting time because the other parent does not obey a court order, for instance, to pay support or medical bills, etc.
- Penalties for the Parent Who Willfully Fails to Comply With This Parenting Time Schedule:** A parent who willfully fails to comply with this parenting time schedule may be found guilty of contempt of Court, the penalty for which is a fine not to exceed \$250.00, and a jail sentence not to exceed ten (10) days, for each separate act of contempt. The Court may also assess attorney fees and court costs, order the appointment of a Guardian ad Litem for the minor child(ren), and payment of the Guardian's fees. The Court may order the reimbursement of transportation costs, and make up parenting time in addition to any other remedy available at law. Failure to obey the Court's orders may be a basis for changing custody of the child pursuant to Ohio Revised Code.
- T. **Moving:** Either parent must notify the other in writing at least forty-five (45) days in advance of their intent to change their residence, in or out of the county in which they resided at the time of the last court order or decree about parenting time. If the parents move more than 150 miles apart after the court orders or adopts the schedule herein, unless the parties agree otherwise, each is ordered to comply with the long distance parenting schedule (available from the Juvenile Court Clerk) without further order of the court. The non-residential parent is entitled to notice of the residential parent's intent to relocate unless limited by court order.
- U. **Promptness:** This schedule presumes that each parent will be prompt for pick-up and return of the child(ren), that the residential parent will ready the child(ren) emotionally and physically for the parenting time with their non-residential parent. The residential parent has no duty to wait for the non-residential parent to pick-up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that (s)he will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses their parenting time. A parent who has a pattern of lateness is subject to penalties under the law.
- V. **Employment of Parents:** This schedule presumes that the parents are available for parenting purposes for full weekends and mid-week parenting time. If the non-residential parent is regularly employed every weekend and chooses not to exercise parenting time on the weekend, the parents should agree in advance about an alternate day and time for parenting.
- W. **Newborn Child(ren):** This schedule sets out a specific parenting time schedule for newborn and very young children since their sense of time differs from an older child. A newborn needs more frequent contact with a parent not living in the same household. Parents need to exercise more flexibility in scheduling times for a newborn and very young children. Parents may need to consult with the child's physician or mental health professional to meet the needs of the child.
- X. **Teenagers:** A regular routine of parenting time may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works and spends time with friends, as the parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend time more with friends or in organized activities, and less time with each parent, especially weekends and summer holidays. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits, it is advisable to consider the teenager's wishes as long as the parents agree. If the parents are unable to resolve scheduling conflicts, they may wish to file a motion in court.
- Y. **Modifying the Order:** The Court reserves the right to modify the parenting time order upon motion by either party.

JUDGE DENISE NAVARRE CUBBON

JUDGE CONNIE F. ZEMMELMAN

DEFINITIONS:

"Parenting Time" - is a legal term applied to non-residential parents for the time they are awarded to spend with the child(ren).

"Visitation" - is a legal term applied to grandparents, relatives and other persons who are awarded time to be with the child.

"Curb Side Exchange" - a legal term always written into the Court Order if needed. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren), the residential parent must remain inside the home, and there must be no communication during the exchange of the parents' child(ren). The process of curb-side exchange means the non-residential parent (at the specified time parenting time is to begin) parks in front of the residential parent's residence, honks the horn to notify the residential parent to send the child(ren) to the car, watching the child(ren) enter the car and leave. Upon return after the parenting period, the non-residential parent returns the child(ren) at the specified time the parenting time is to end, parks in front of the residential parent's residence, honks the horn to signal that the child(ren) are returning, watches the child(ren) return to the residence, makes certain that there is an appropriate person able to care for the child(ren) (if the residential parent is not visible), unless the parties have agreed otherwise.

Last updated September 2014