



JOHNSON COUNTY BAR
association

Johnson County Family Law Bench-Bar Parenting Guidelines

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INTRODUCTION

This section of the Family Law Guidelines¹ deals with parenting plans. Kansas law requires that each parent file a proposed parenting plan if they do not agree on a joint parenting plan to follow. Parents are strongly encouraged to agree on a parenting plan rather than have a court make that decision. Parenting plans are subject to approval by the courts “in accordance with the best interests of the child.” K.S.A. 23-3201. If parents agree on a parenting plan, Kansas law presumes the agreement is in the child’s best interests. K.S.A. 23-3202. The presumption may be overcome if the court finds that the agreed parenting plan is not in the child’s best interests. K.S.A. 23-3202. Parenting plans are always subject to change when the child’s needs change and the child’s interests are best served by that change. Parenting plans are always subject to review and modification until the child turns 18 years of age.

Every child is different. Every family is different. And no static set of suggestions is appropriate for every family. The best parenting plan for a family is one that considers the children’s needs, parents’ schedules, and the family’s own unique history and circumstances. As a result, these guidelines may not be helpful to every family and should not be relied upon as a default parenting plan for any family.

These guidelines are not Kansas law, they are not court mandated, and they will not apply to every situation. These guidelines are suggestions created to help separated, divorcing, and never-married parents work out a mutually agreed upon parenting plan that satisfies their own family’s needs, their child’s best interests, and their individual desires for their child’s growth. These guidelines provide an overview about parenting plans, suggested parenting time schedules for different stages of child development, and options for holiday parenting time and parenting time for school breaks.

These Guidelines:

- are a tool for parents and their attorneys
- are not “the law”
- do not limit parents, attorneys, or judges from creating a parenting plan that differs from the plans provided in these guidelines
- do not mandate any minimum or maximum parenting time for either parent
- were developed based on current knowledge and practice. There is no one perfect parenting plan; each has tradeoffs.
- are not helpful in all circumstances

¹ The *Family Law Guidelines* is the work of the Family Law Bench-Bar Committee of the Johnson County (Kansas) Bar Association. The JCFLBBC is made up of lawyers, judges, and mental health professionals who have a strong interest in family law. Although the *Guidelines* are helpful in reaching resolution by settlement or decree, they are not binding and they have not been adopted by the Johnson County District Court. The *Guidelines* represent Committee consensus designed to provide a framework for negotiation and a suggested way to resolve difficult issues arising in family law cases. These *Family Law Guidelines* are not a substitute for critical analysis of any individual case. The *Guidelines* have proven to be a valuable resource to help resolve disputes and the Committee therefore recommends them to be used by the Bench and Bar.

SECTION I OVERVIEW OF PARENTING PLANS

Current research suggests that children do best when their parents cooperate with each other and agree to what is in their children's best interests. Children do worse when parents argue, fight, and refuse to work with each other on ways to raise and parent their children; about when and how much time each parent should spend with their child; and about the activities in which their children should engage. A detailed, written parenting plan helps to provide predictability for both children and parents. A well-thought-out parenting plan also helps prevent parental conflict by clearly setting out each parent's rights and responsibilities, the days and times the children will be with each parent, how and when they will exchange their children, and other desired provisions. Although a parenting plan is helpful to clarify scheduling between parents who agree, a well-drafted parenting plan is critical in high conflict parenting relationships and when the safety of a parent or a child is an issue.

This first section of the Family Law Guidelines concerns parenting plans and parenting arrangements. Parenting arrangements are always subject to change by the court in the interests of the child, even after resolution.

Parents should adopt a parenting plan that clearly and appropriately sets out their rights and responsibilities for their child, as well as the times their child is to spend with each parent. In developing any parenting plan, parents should consider the child's age, needs, and other factors peculiar to the child. Parents should be aware that children perceive time differently than do adults. Parenting Plans should provide regular and predictable parenting time for both the parents and the child. Ideally, children should not be separated from either parent for more than a few days. An Agreed Parenting Plan is deemed in the child's best interests.

~~This s~~Section X includes a ~~final~~ Model Stipulated Parenting Plan, including a holiday schedule. It is important to note that this form is recommended in situations where the parents are able to reasonably communicate with each other and are looking for a fair plan. If the parties already have a plan that works for them, they should continue to use that plan.

~~This~~ The Model Plan may not be right for infants and very young children, and parents may need to modify this plan so the non-residential parent of infants and very young children has more frequent, shorter periods of time than allotted for here. ~~This~~ The Model Plan should *not* be used when there are concerns of domestic violence and/or child abuse.

~~In an effort to a~~ Acknowledginge that families are not always comprised of one mother and one father, the identifying gender-neutral language for the parents in the Model Stipulated Parenting Plan in Section X ~~for the parents~~ is "Petitioner" and "Respondent." It is not the intention of this committee that the parent who files first has any strategic advantage in the case, and as such the sample documents provided require the drafting party to carefully consider which parenting plan is the most appropriate under their particular circumstances, depending on which parent is the Petitioner and which parent is the Respondent. The drafting party should not forget to choose the appropriate description and corresponding chart provided in the Model Plan.

In an effort to help separated, divorcing, and never-married families work through their differences towards mutual understanding in a cooperative effort to raise their children, the Johnson County Family Law Bench-Bar Committee makes the following suggestions for establishing parenting schedules that 1) help ensure a child's right to continuous and frequent time with both parents and 2) encourage a good working relationship between parents.

A parenting plan may consist of a general outline stating how parents will share responsibilities and parenting time. But a more detailed agreement provides much more structure to their parenting arrangement and heads off later disagreement.

Kansas law requires that every parenting plan include:

- a designation of the legal custody (decision-making) arrangement for the child;
- a schedule for the child's time with each parent, when appropriate;
- a procedure to informally resolve parental disputes without the need for court intervention; and
- provisions effective during periods of military deployment, mobilization, temporary duty, or unaccompanied tour, if either parent is a military servicemember.

A detailed permanent parenting plan may also include provisions for:

- holiday, birthday, and vacation planning;
- weekends, including holidays and school in-service days preceding or following weekends;
- allocation of parental rights and responsibilities regarding the child's health, education and welfare;
- sharing of and access to information regarding the child;
- relocation of parents;
- telephone access;
- transportation and parenting exchanges; and
- methods to informally resolve disputes.

These guidelines provide suggestions for each of these areas.

When creating a parenting plan, parents should think about each child's relationship with each parent and how it can grow and improve over time. It may benefit the child to change from one plan to another plan as the child grows older. If a parent has never been a part of a child's life or hasn't had contact with the child for an extended period, it is recommended that parenting time start slowly and gradually increase as the child adjusts and feels comfortable with the parent.

K.S.A. 23-3203 requires that parents and the courts must consider all factors relevant to a child when developing a parenting plan, including:

- Each parent's role and involvement with the minor child before and after separation;
- The desires of the child's parents as to custody or residency;
- The desires of a child of sufficient age and maturity as to the child's custody or residency;
- The age of the child;
- The emotional and physical needs of the child;
- The interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests;
- The child's adjustment to the child's home, school and community;
- The willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent;
- Evidence of spousal abuse, either emotional or physical;
- The ability of the parties to communicate, cooperate and manage parental duties;
- The school activity schedule of the child;
- The work schedule of the parties;
- The location of parties' residences and places of employment;
- The location of the child's school;
- Whether a parent is subject to the registration requirements of the Kansas offender registration act, or any similar act in any other state, or under military or federal law;
- Whether a parent has been convicted of abuse of a child;
- Whether a parent is residing with an individual who is subject to registration requirements of the Kansas Offender Registration Act, or any similar act in any other state, or under military or federal law; and
- Whether a parent is residing with an individual who has been convicted of abuse of a child.

Avoid Parenting Plan Mistakes

Parenting plans should set out a clear, easy-to-understand schedule of the time the child will spend with each parent. The parenting plan should clearly state the beginning and ending times for each parents' time with the child. The parenting plan should also set out each parent's rights and responsibilities for medical and educational decision-making. The plan should address problems and concerns that currently exist as well as issues the parents expect may arise later.

The following are some of the common mistakes in preparing a parenting plan:

- Using vague language to describe the child's schedule of time with each parent (e.g. "reasonable and liberal time," "as the parents agree," or similar generalized language). A parenting plan must clearly spell out the time each parent has with the child: days, beginning and ending times, and how holidays, vacation times, and school breaks will be shared.
- Not including provisions stating that a parent must give notice of any move from one residence to another. Kansas law requires at least 30-days written notice by certified mail before a parent moves from one place to another. K.S.A. 23-3222.
- Not including language stating the rights each parent has to participate in the child's health, education, and other decisions. Kansas law provides that both parents have a right to participate in decisions about the child's welfare unless the court orders otherwise. K.S.A. 23-3206.
- Not including language stating the rights each parent has to access the child's medical, educational, and other private records. Kansas law provides that both parents have access to a child's medical and educational records unless the court restricts that right. K.S.A. 23-3206.
- Not providing for a procedure for parents to use to resolve disagreements over decisions regarding their child's health, education, and extracurricular activities or when they disagree about schedule changes. Kansas law requires that the parents agree how future disputes will be resolved. K.S.A. 23-3213(b)(3).
- Not providing clear rules for travelling with the child out-of-state or out of the country.
- Not anticipating how the schedule will change as the child grows older, changes schools, and changes focus.
- Not making the parenting plan specific to the family, the child, the number of children in the family, and for each child's own special needs, including how the child will react or adapt to the planned parenting schedule.
- Not considering how each parent's work schedule will impact the schedule.
- Not addressing where the children will attend school or what will happen if one or both parents move away from the child's current school area.
- Not considering the need for after-school care and pickup when both parents are unavailable.
- Not addressing known problems and conflicts between the parents, safety and security needs of the child and parents, and how parents will handle child transfers from one parent to the other.
- Using a "form parenting plan" without adapting it to the needs of the child and of both parents.

High Conflict and Safety Concerns

Where high conflict or safety concerns exist, parents should agree to or propose a parenting plan that provides clear parameters for in-person contacts and exchanges. Parents should include provisions that make exchanges of the child safe, predictable, and secure for both child and parent. Parents should also ensure the exchanges are made in a way that does not require the parents to directly interact with each other.

The purpose of a detailed parenting plan is to anticipate future possibilities and to protect the parents and the child from harmful interactions. Special consideration should be given to determine how exchanges of the child should take place and whether those exchanges should be at a neutral location, with enough separation between pickup and drop-off times so that the parents do not interact.

Parents should be aware of the following concerns when protection orders exist:

- Protection from Abuse orders and Protection from Stalking orders supersede any other orders that provide for the legal custody or parenting time for a child.
- If a criminal ‘no-contact’ order names a child as victim or witness, that order may state that the order is effective except as provided in an order issued in a civil action. If no orders for parenting time exist in any civil case, the criminal ‘no-contact’ order governs and it must be followed.
- It is NOT appropriate to use a petition for PFA or PFS as a way to limit or prohibit a parent from having contact with the child (unless the child is in danger).
- Most issues of legal custody and parenting time will be dealt within the divorce or paternity action, with the Court removing the child from the PFA/PFS.
- If a parent files a PFA or PFS asking the Court to include the children if the parents are not married and there is no paternity action on file, the Court does not have jurisdiction to order contact between an alleged parent and the child, absent agreement between the parents.
- A child who is present when domestic violence occurs is a victim of domestic violence even when not the direct target of the abuse.
- It is NOT a reason to change the residency of a child merely because the child is temporarily residing in a domestic violence shelter.

Children Benefit When Parents ...

- Initiate the child's contact with the other parent on a regular basis by phone, text, email, voice, audio, and other means of communication.
- Maintain predictable schedules
- Are prompt and have children ready at exchange time
- Avoid any communication that may lead to a conflict at exchange time
- Ensure smooth transitions by assuring the children that they support their relationship with the other parent and trust the other's parenting skills
- Avoid actions and words that are undermining, tarnishing or criticizing
- Allow the children to carry "important" items such as clothing, toys, and security blankets with them between the parents' homes
- Follow similar routines for mealtime, bedtime, and homework time—especially younger children and children with certain special needs
- Handle rules and discipline in similar ways—especially with children with certain special needs
- Support contact with grandparents and other extended family so the children do not experience a sense of loss
- Are flexible so the child can take advantage of opportunities to participate in special family celebrations or events
- Give as much advance notice as possible to the other parent about special occasions and temporary changes in the parenting plan schedule
- Provide an itinerary of travel dates, destination, and places where the child or parent can be reached when on vacation
- Establish a workable, respectful method of communication
- Plan their vacations around the child's regularly scheduled activities.

The Following Are Not Valid Reasons to Deny Parenting Time:

- The child is sick (unless the other parent is provided with the specific nature of the illness and is given an opportunity to see the child).
- The child had to go somewhere else.
- The child is not home (including that the child made alternate plans).
- The other parent is behind on child support or associated expenses.
- The child wants to stay home.
- The parent does not want the child to go with the other parent.
- The weather is bad.
- The child doesn't have appropriate clothes to wear.

SECTION II LEGAL CUSTODY (DECISION-MAKING)

Kansas law provides that every parenting plan must include “a designation of the legal custody (decision-making) relationship for the child.” K.S.A. 23-3202.

“**Legal custody**” (“**decision-making**”) means the allocation of parenting responsibilities between parents, or persons acting as parents, including decision-making rights and responsibilities on major issues. Major issues for parental decision-making include, but are not limited to, decisions about the child's health and medical treatment, education, and other important matters affecting the child’s general welfare. *See* K.S.A. 23-3211(c). Unless the Court makes specific findings that the child’s interests are best served by another arrangement, Kansas law presumes that both parents will have joint legal custody with equal rights and responsibilities for the child.

Kansas law presumes that both parents should be involved with their child and that they should be granted “joint legal custody,” unless the court finds that it is not in the best interests of the child that both of the parties have equal rights to make decisions pertaining to the child.

If the court orders sole legal custody instead of joint legal custody, the court must include on the record specific findings of fact upon which the order for sole legal custody is based. The award of sole legal custody to one parent does not deprive the other parent of access to information regarding the child, unless the court makes that additional order, stating the reasons for that determination.

SECTION II

LEGAL CUSTODY (DECISION-MAKING)

Joint Legal Custody

"**Joint legal custody**" means that both parents have equal rights to participate in, contribute to, and have responsibility for their child's health, education, and general welfare in their child's best interests. Neither parent's rights are superior to the other parent's rights, and parents should cooperate with each other to decide what is in their child's best interests. Joint legal custody does not require that the parents agree on everything. Joint legal custody does not grant either party an absolute veto power over the decisions of the other parent. Each parent may make normal decisions about the child's day-to-day activities while in that parent's care without consulting the other parent.

1. Address Changes:

1.1 Each parent must notify the other parent of any address change in writing no less than 30 days before changing address by sending that written notice to the other parent by certified mail, restricted delivery, return receipt requested, at that other parent's last known address.

1.2 Each parent must notify the other parent of any plan to take the child outside the State of Kansas for any period of more than 90 days by sending written notice to the other parent by certified mail, restricted delivery, return receipt requested, at that other parent's last known address.

1.3. A parent is not required to give written notice of an address change to the other parent if the other parent has been convicted of a crime specified in Article 54 (crimes against persons), Article 55 (sex offenses), or Article 56 (crimes affecting family relationships and children) of Chapter 21 (Crimes and Punishments) of the Kansas Statutes Annotated to which the child was the victim.

2. Parental Communication.

2.1 ***Effective communication.*** Good, continuing, and effective communications between parents is essential in order to provide the best atmosphere for a child. Each parent should strive to maintain effective communications with the other parent so that they always act in their child's best interests.

2.2 ***Communication about child's welfare.*** Each parent should communicate with the other parent about their child's status and progress. Parents should consult with each other and attempt to agree on all matters affecting their child's medical care, educational training, and other matters concerning the child's health, welfare, and any other important matter affecting their child.

2.3 Flexible communications. Each parent should be flexible when dealing with the other parent on parenting issues. Each parent should strive to preserve and maintain a positive parenting relationship with the other parent for the best interests of their child.

2.4 Communication about child's whereabouts. Each parent should advise the other parent about any planned absences from that parent's residence in a timely manner. Each parent should provide the other parent with up-to-date information about where the child will be spending extended and overnight periods.

2.5 Contact Information. Absent safety concerns, each parent should advise the other parent of that parent's current residence and business address, telephone numbers (home and work), as well as contact information for the child's school and childcare.

2.6 Problem Solving. When disagreements occur regarding arrangements for the child, both parents shall make every effort to openly discuss options to resolve disputes and solve problems with each other. If conflicts continue, options such as educational classes, mediation, and counseling should be considered as methods of resolving those conflicts.

2.7 Carrying Messages. Neither parent should use their child as a "go-between" to carry messages to the other parent. The child should never be placed "in the middle" of co-parent conversations or decision-making. Parents should communicate directly with each other about co-parenting issues. If parents are unable to safely or effectively communicate directly with each other, the parents should set up an intermediate communication method that can be monitored by appointed third party (e.g. guardian ad litem, domestic case manager, co-parent counselor or other jointly agreed persons). Neither parent will involve their child with any co-parenting issues they may have with the other parent, by word, deed, or action.

2.8 Name Change. Consent from both parents or court authorization is required before changing a child's name.

2.9 Alienation of Affections. Neither parent should speak or act in any manner around their child that would tend to denigrate, insult, or belittle the other parent, nor allow someone else in the parent's company to do so. Parents should not speak ill of or make derogatory remarks about the other parent or the other parent's family members to the child, or to the other parent in-person, by voicemail, text message, email or other means or manner of communication. Neither parent shall discuss the parties' marriage, relationship status, or divorce with the child unless in a therapeutic setting with a therapist present. This includes any statements that a parent "abandoned" the family or engaged in an extra-marital affair or other issues related to the reasons for the divorce.

3. Medical and Health Care.

3.1 Routine Care. Each parent provides their child with appropriate health, medical, and dental care when the child is that parent's care, including any necessary emergency medical and dental care. Both parents can schedule and attend appointments for the minor child. Absent an emergency, the only people attending the child's medical appointment should be the parents.

For scheduled appointments, the parent scheduling the appointment shall, within 24 hours of scheduling the appointment, provide the other parent with the following information so that other parent may attend the appointment

- (i) date and time of the appointment
- (ii) the medical provider's name, address, and telephone number
- (iii) reason for appointment (i.e. well-check, allergy testing, etc.)

3.2 Prescription Medications. The parents will each make sure that their child is given any medications prescribed by a licensed health care provider as prescribed. The parent who fills the prescription will make sure that the child has an adequate supply of the medication while with the other parent and that appropriate instructions for use accompany any prescription medications. Neither parent will unilaterally discontinue any of the child's medications, unless on the advice of the physician or other health care provider who prescribed the medication.

3.3 Major and Emergency Medical Care. The parents will consult with each other and will attempt to agree upon their child's major medical and dental treatment, with the understanding that neither parent should delay needed emergency care in order to obtain agreement from the other parent on those emergency matters. If the parents do not agree whether their child should undergo any particular major medical treatment, they will defer to the advice of their child's treating physician or dentist, or they will seek assistance through mediation.

3.4 Current Medical Providers. The parents will continue to use those doctors and other medical care providers from whom their child is currently receiving treatment, unless they agree that a change is appropriate or that the doctor or other medical care provider is no longer listed as a preferred provider with the then-existing medical insurance policy. The parents will keep each other informed about medical providers' names, specialty, and contact information covered by the child's medical insurance.

3.5 Notice of Illness, Accident, or Injury. A parent will notify the other parent as soon as possible when their child has an accident or injury requiring medical or dental treatment, or will need to miss school or other scheduled event because of illness.

3.6 Medical Emergencies. Each parent shall have the responsibility to take care of their child's immediate medical, dental, and other emergency needs and will not refuse to tend to their child's medical needs. Neither parent will refuse to timely fill a prescription made by a physician or other medical or dental practitioner for their child. Both parents understand that when an emergency occurs, permission from both parents for emergency medical, dental, or other emergency care or treatment is not necessary. If an emergency occurs, the parent who is then caring for their child or who finds out about the emergency will contact the other parent about the situation as soon as possible (in no event longer than six hours) to provide the other parent with information about the emergency, the circumstances surrounding it and to coordinate their resources.

3.7 Medical Records and Information. Both parents have the right to complete and equal access to all medical, dental, and other health information about their child from any physician, dentist, or other health care provider. Both parents have the right to receive any reports by the provider to the other parent without any other specific written authorization.

3.8 Responsibility for Staying with an Ill Child: A parent has responsibility for a child until the parenting exchange occurs after school or childcare. Therefore, if a child is ill in the morning, it is the responsibility of the parent with whom the child spent the preceding night to arrange care for the child or to stay home from work with the child until the normal parenting exchange time. If a child becomes ill at school or childcare, it is the responsibility of the parent with whom the child spent the preceding night to pick up the child from childcare/school or arrange alternative care for the child until such time as the next parenting exchange.

4. School, Sports, and Social Activities.

4.1 Parent Information. Each parent shall have responsibility to provide their child's school(s) with their own contact information, although each parent should also provide the school with the home address, telephone number, and email address for the other parent if known. Each parent will provide the school with an emergency contact number in case the school needs to contact one or both parents.

4.2 School Conferences. Both parents may participate in parent-teacher conferences or similar interactions with the school concerning their child. The parent who is then caring for the child will make sure that the child attends the conference if the school requires the child's attendance at the scheduled conference.

4.3 School Records. Each parent has the right to complete and equal access to all school records and educational information about their child from any school, school district, teacher, paraprofessional, or other education provider. Both parents have the right to receive any reports from the school given by the school to the other parent.

4.4 Prescription Medications at School. Each parent will make sure that the school is provided any medications prescribed by a licensed health care provider that must be taken during the school day.

4.5 Extra-Curricular Activities. Parents shall consult with each other before enrolling their child in any extra-curricular activities that may occur on the other parent's time, such as sports, music, and dance. If the child is participating in particular activities when the parenting plan is entered, those activities should continue absent compelling circumstances or parental agreement. Each parent should take the child to the scheduled activities during that parent's scheduled parenting time, provided that there is no reasonable schedule conflict that makes participation in the activity on a particular day impractical or impossible.

SECTION II

LEGAL CUSTODY (DECISION-MAKING)

Sole Legal Custody

Committee Note: The following provisions for “sole legal custody” are applicable only in a very small number of cases and should be used **ONLY** when appropriate and when the court makes specific legal and factual findings on the record to overcome the presumption favoring joint legal custody. **Sole legal custody is strongly discouraged.**

The Committee provides the following language **only** so that uniform provisions are available to describe parents’ responsibilities and duties in a sole legal custody arrangement. The inclusion of these provisions does not mean that they should all be used in any individual case.

Sole legal custody DOES NOT MEAN:

- ▶ **Sole legal custody DOES NOT MEAN** “full custody.” There is no such thing in Kansas as “full custody.”
- ▶ **Sole legal custody DOES NOT MEAN** that the parent with sole legal custody decides IF the other parent gets to see the child.
- ▶ **Sole legal custody DOES NOT MEAN** that the parent with sole legal custody decides when, where, how, or if the other parent has time with the child (this is determined by the parenting schedule).
- ▶ **Sole legal custody DOES NOT MEAN** that the parent who does not have sole legal custody cannot make emergency decisions to protect the child’s health, education, or welfare.
- ▶ **Sole legal custody DOES NOT MEAN** that the parents should not discuss what is in the child’s best interests for health, education, and welfare needs; **BUT Sole legal custody DOES MEAN** that the parent designated “sole legal custodian” decides if the parents cannot agree.
- ▶ **Sole legal custody DOES NOT MEAN** that the parent with sole legal custody is not required to inform the other parent in an appropriate way of the child’s health, education, and general welfare status.
- ▶ **Sole legal custody DOES NOT MEAN** that the parent with sole legal custody can change the child’s name or allow for the child’s adoption.

1. Sole Legal Custody.

1.0 “***Sole legal custody***” means that the parent granted “sole legal custody” has the primary right to decide matters of health and education in the child’s best interests. A court may order the “sole legal custody” to a parent when the court finds that it is not in the best interests of the child that both parents have equal rights to make decisions for the child. Sole legal custody is strongly

discouraged. If the court does not order joint legal custody, the court must include on the record specific findings of fact upon which the order for sole legal custody is based. The award of sole legal custody to one parent does not deprive the other parent of access to information regarding the child, unless the court makes that additional order, stating the reasons for that determination.

1.1 A parent not granted sole legal custody may make emergency decisions affecting the child's health or safety when the child is in that parent's physical care and control.

1.2 Sole legal custody is rarely granted by the Court and should only be allowed when the court finds that joint legal custody is not in the child's best interests because it has made specific findings why shared decision-making would not be appropriate in the child's best interests.

2. Parent Communications.

2.1 ***Communication about child's welfare.*** Unless otherwise ordered by the Court, each parent should keep the other parent informed about the child's status and progress to the extent possible.

2.2 ***Carrying Messages.*** Neither parent should use their child as a "go-between" to carry messages to the other parent. The child should never be placed "in the middle" of co-parent conversations or decision-making. Parents should communicate directly with each other about co-parenting issues. If parents are unable to safely or effectively communicate directly with each other, the parents should set up an intermediate communication method that can be monitored by appointed third party (e.g. guardian ad litem, domestic case manager, co-parent counselor or other jointly agreed persons). Neither parent will involve their child with any co-parenting issues they may have with the other parent, by word, deed, or action.

2.3 ***Alienation of Affections.*** Neither parent will speak or act in any manner around their child that would tend to denigrate, insult, or belittle the other parent, nor allow someone else in that parent's company to do so. Parents should not speak ill of or make derogatory remarks about the other parent or the other parent's family members to the child, or to the other parent in-person, by voicemail, text message, email or other means or manner of communication. Neither parent shall discuss the parties' marriage, relationship status, or divorce with the child unless in a therapeutic setting with a therapist present. This includes any statements that a parent "abandoned" the family or engaged in an extra-marital affair or other issues related to the reasons for the divorce.

2.4 ***Name Change.*** Consent from both parents or court authorization is required before changing a child's name.

3. School, Sports, and Social Activities.

3.1 ***Parent Information.*** Each parent shall have responsibility to provide their child's school(s) with their own contact information, although each parent should also provide the school with the home address, telephone number, and email address for the other parent if

known. Each parent will each provide the school with an emergency contact number in case the school needs to contact one or both parents.

3.2 **School Conferences.** Both parents may participate in parent-teacher conferences or similar interactions with the school concerning their child.

3.3 **School Records.** Each parent has the right to complete and equal access to all school records and educational information about their child from any school, school district, teacher, paraprofessional, or other education provider. Both parents have the right to receive any reports from the school given by the school to the other parent.

4. Medical and Health Care Issues.

4.1 **Routine Care.** Each parent provides the child with appropriate health, medical, and dental care when the child is in the care of that parent, including any necessary emergency medical and dental care.

4.2 **Prescription Medications.** The parents will each make sure that their child is given any medications prescribed by a licensed health care provider as prescribed. The parent who fills the prescription will make sure that the child has an adequate supply of the medication while with the other parent and that appropriate instructions for use accompany any prescription medications. Neither parent will unilaterally discontinue any of the child's medications, unless on the advice of the physician or other health care provider who prescribed the medication.

4.3 **Major and Emergency Medical Care.** Neither parent should delay needed emergency care in order to obtain agreement from the other parent on those emergency matters.

4.4 **Current Medical Providers.** The parents will continue to use those doctors and other medical care providers from whom their child is currently receiving treatment, unless they agree that a change is appropriate or that the doctor or other medical care provider is no longer listed as a preferred provider with the then-existing medical insurance policy or the parent with sole legal custody decides to change providers. The parents will keep each other informed about medical providers' names, specialty, and contact information covered by the child's medical insurance.

4.5 **Notice of Illness, Accident, or Injury.** Each parent will notify the other parent as soon as possible when their child has an accident or injury requiring medical or dental treatment, or will need to miss school or other scheduled event because of illness.

4.6 **Medical Emergencies.** Each parent shall have the responsibility to take care of their child's immediate medical, dental, and other emergency needs and will not refuse to tend to their child's medical needs. Neither parent will refuse to timely fill a prescription made by a physician or other medical or dental practitioner for their child. Both parents understand that when an emergency occurs, permission from both parents for emergency medical, dental, or other emergency care or treatment is not necessary. If an emergency occurs, the parent who is then caring for their child or who finds out about the emergency will contact the other parent

about the situation as soon as possible (in no event longer than six hours) to provide the other parent with information about the emergency, the circumstances surrounding it and to coordinate their resources.

4.7 *Medical Records and Information.* Unless otherwise ordered by the Court, both parents have the right to complete and equal access to all medical, dental, and other health information about their child from any physician, dentist, or other health care provider. Both parents have the right to receive any reports by the provider to the other parent without any other specific written authorization.

5. *Address Changes.*

5.1 *Notice of Any Address Change.* Each parent must notify the other parent of any address change in writing no less than 30 days before changing address by sending that written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent’s last known address.

5.2 *Notice of Extended Absence.* Each parent must notify the other parent of any plan to take the child outside the State of Kansas for any period of more than 90 days by sending written notice to the other parent by certified mail – restricted delivery, return receipt requested, at that other parent’s last known address.

5.3 *Exceptions.* A parent is not required to give written notice to the other parent if the other parent has been convicted of a crime specified in Article 54 (crimes against persons), Article 55 (sex offenses), or Article 56 (crimes affecting family relationships and children) of Chapter 21 (Crimes and Punishments) of the Kansas Statutes Annotated to which the child was the victim.

SECTION III

PARENTING TIME AND SCHEDULES

GENERAL

Children of all ages benefit most from maintaining a high degree of consistency in routines and caretaking as families begin the transition from nuclear family to separate households.

Although Kansas requires that parents and courts arrive at a parenting plan to avoid and resolve parental disputes, there are no age-specific nationwide standards for appropriate parenting time. Because research does not provide any clear results, parenting plan development is often burdened by the parents' own desires, perceptions, misconceptions, and beliefs about what structure and arrangements would be best for their child.

When approaching decisions on parenting time and the division of responsibilities, it is important to take a realistic point of view by asking questions about who currently engages in specific caregiving roles and how those roles will develop over time. These caregiving roles include:

- Who primarily feeds, changes, bathes, and clothes the infant or toddler?
- Who is in charge of arranging childcare and babysitters?
- Which parent takes the child to childcare, doctor appointments, events, play dates, etc.?
- When a child is sick, which parent usually stays home from work or provides comfort?
- Which parent is teaching the child basic hygiene, dressing, socializing skills?
- Who is better able to support the child in the schoolwork and progress?
- Which parent has the more reliable schedule allowing for consistent participation in activities and athletics, etc.?

As a child grows older, the child's needs and abilities will dictate modifications of the parenting plan. It is important to have a gradual transition from one stage to the next in keeping with the individual child's age and maturity.

FAMILIES WITH CHILDREN WHO RANGE IN AGES AND STAGES OF DEVELOPMENT

Divorcing families with children falling within more than one of the age ranges and developmental periods represented below should consider a plan that allows the children to have parenting time with each parent as a family unit. In such cases, it is appropriate for the parenting plan to provide for a single plan that is applicable to all children of the family, with the exception that infants and some toddlers, in particular, may require adjustments in the duration of separation from their primary attachment figure in order for them to feel secure. For example, an infant may need to return to the primary attachment figure earlier than older children in grade school who can better tolerate longer separations and disruptions to their routines. In contrast, adolescents may need additional flexibility in pre-determined parenting schedules to accommodate age-appropriate independent events and friendship activities that are an important part of learning life skills and handling responsibilities on their own.

In multiple-child families, it is recommended that each parent spend some individual parenting time with each child over the age of 18 months in order to build and maintain a secure bond. This is particularly important for children in the grade school years, as these are the years during which parents are their children's strongest and most influential role models. This may take some extra effort to coordinate between parents, but is well worth it.

NOTE: The information and graphs below represent samples of parenting time schedules based on children's ages and different parenting styles and situations. These plans are offered as a tool to give ideas for creating a personalized schedule that best fits the needs of the individual family going forward.

Depending on the connection each parent has with the infant, whether the parents were living together before or after the child's birth and the level of connection and attachment between parent and child, various schedules may be reached for children, including the following options. In each option, Parent '1' is the parent with whom the child lives the majority of the time (and provides the majority of daily needs and routines) and Parent '2' has designated co-parenting time as described. Options below are divided into 2 categories:

Plan "A" Samples: are best suited where Parent 2 has not been the child's primary caregiver or wants regular contact but is not able to provide extensive caregiving due to work schedule or other circumstances.

Plan "B" Samples: are best suited for parents who have both been involved to a significant degree in the day-to-day care of the child and they desire to continue this level of co-parenting.

SECTION III

PARENTING TIME AND SCHEDULES

PART A. INFANTS

In order for infants to develop secure attachments with both parents, it is important that separation time from both parents is short to minimize anxiety, keep attachments secure, and maximize the child's comfort with both parents. It is hard for the child to maintain a memory of the parent if the parent is not there. Infants have difficulty conceptualizing time and need frequent and continuing contact with a predictable pattern. The goal of this stage is to maximize the child's time with both parents to promote attachment with both parents and to develop and maximize parenting skills.

In the past, researchers believed that babies formed an exclusive attachment to one primary caregiver; but more recent research shows that babies usually develop several meaningful relationships at the same time. Although a child may prefer one parent to another at one time, that preference may shift over time and with the child's depending on the child's contacts with both parents and others and as the child passes through developmental stages.

When developing a parenting plan for infants:

- Each parent should provide the other parent with information about the child's diet, medications, daily routine, etc., while in that parent's care.
- Infants perceive time differently than adults. Parenting time should be on a consistent routine, with frequent contact with both parents throughout the entire week for generally shorter periods than older children.
- Ideally, neither parent should be separated from their infant child for more than 3 days.
- Exchanges should be done quickly without parental lingering.
- The child should be able to take a "preferred" or "security" object between homes.
- The child's special needs, if any, should be considered in framing a parenting plan
- As the child grows older and becomes more mature, parenting time may be longer and exchanges less frequent, but must still be consistent.
- Breastfeeding is not a reason to limit either parent's time with the child. If parents have questions, they should talk with the baby's pediatrician.
- Signs of distress may include excessive crying, problems with feeding or sleeping, or withdrawal from a parent's attentions.

In each of the options listed below, **Parent ‘1’** shall be responsible for the child’s care at all times with the exception that **Parent ‘2’** shall have parenting time as follows:

Plan “A” Options for Weekday and Weekend Scheduling:

- ▶ **Option 1:** One weekday evening from 4:00pm until 7:00pm and one weekend day every other week from 12:00pm-6:00pm.

[This option allows for one or two 3-6 hour periods spaced throughout the week, while maintaining child’s evening routine with primary attachment figure. This may be desirable when schedules or parental conflict make more frequent exchanges difficult]

☐ = Parent 1’s overnight ■ = Parent 2’s overnight ■ = Parent 1’s overnight with Parent 2 daytime

Infant Plan A Option 1						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
■				■		
■						

- ▶ **Option 2:** One weekday evening from 4:00pm until 6:00pm and every Saturday or Sunday from 10:00am until 4:00pm.

[This option allows for periods of 2-to-6 hours spread throughout the week, while maintaining child’s evening routine with primary attachment figure.]

☐ = Parent 1’s overnight ■ = Parent 2’s overnight ■ = Parent 1’s overnight with Parent 2 daytime

Infant Plan A Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
■				■		

- ▶ **Option 3:** Two non-consecutive weekday evenings (specify days) from 4:00pm until 7:00pm and every Saturday or Sunday from 10:00am until 4:00pm.
 [This option allows for 3 periods of 2-to-6 hours spread throughout the week, while maintaining child’s evening routine with primary attachment figure.]

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

Infant Plan A Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Plan “B” Options for Weekday and Weekend Scheduling:

- ▶ **Option 1:** One to two non-consecutive weekday evenings (specify days) from 4:00pm until 7:00pm and every Saturday or Sunday from 12:00am until 6:00pm.
 [This option allows for 2 periods of 2-to-3 hours and 1 extended 6–hour period each week, while maintaining child’s evening routine with primary attachment figure.]

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

Infant Plan B Option 1						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 2: Two non-consecutive weekday evenings (specify days) from 4:00pm until 7:00pm and one weekend overnight (example: 5:00pm Friday until 9:00am on Saturday).
[This option allows for two 2-to-3 hour periods and one overnight each week]

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Infant Plan B Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 3: An alternative plan agreeably worked out by the parents.

SECTION III

PARENTING TIME AND SCHEDULES

Part B. TODDLERS

Current research suggests that children in this age group can form strong attachments to both parents as well as other adults and caregivers. Along with the growing ability to form attachments with many people comes the ability to tolerate longer periods of separation from attachment figures. At this age, children are unable to remember people who they do not see very often. Consistency, predictability, security, and structure are important for toddlers.

When developing a parenting plan for toddlers:

- Each parent should provide the other parent with information about the child’s diet, medications, daily routine, etc. while in that parent’s care.
- If both parents have provided regular day-to-day care for their toddler child, they should implement or increase overnight parenting time, considering their toddler’s needs, anxiety, the previous history of previous overnight parenting, and the need for consistent parent-child interactions.
- Ideally, the child should not be separated from either parent for more than three days.
- Exchanges should be done quickly without parental lingering.
- The child should be able to take a “preferred” or “security” object between homes.
- As the child grows older and becomes more mature parenting time may be less frequent, longer, but must still be consistent.
- The child’s special needs, if any, should be considered in framing a parenting plan
- Signs of distress may include excessive crying, problems with feeding or sleeping or withdrawal from a parent’s attentions.
- Most important for children in this age group is that they are not exposed to parental conflict. Exposure to parental conflict may cause young children to experience anxiety and to regress to younger behaviors.
- Nightmares are common for young children and some of their anxieties are often expressed as fears or through nightmares. Nightmares do not necessarily mean the child is having bad experiences with either parent.
- Young children are very self-centered and often dislike changing activities when they are interested in a particular activity.

- If a child cries when one parent picks up the child, this may mean only that the child does not want to “switch gears”; and such incidents should not be universally interpreted to mean that there is a problem between the parent and child.
- As children grow older, their needs and abilities will dictate modifications of the parenting plan. It is important to have a gradual transition from one stage to the next in keeping with the individual child’s age and maturity.

In each of the options listed below, **Parent ‘1’** shall be responsible for the child’s care at all times with the exception that **Parent ‘2’** shall have parenting time as follows:

Plan “A” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See the suggestions for “Infants”
- ▶ Option 2: One weekday period from 5:00pm until 8:00pm and every Saturday and/or Sunday from 10:00am until 6:00pm.

☐ = Parent 1’s overnight ■ (light) = Parent 2’s overnight ■ (dark) = Parent 1’s overnight with Parent 2 daytime

Toddler Plan A Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			■ (dark)			■ (dark)
			■ (dark)			■ (dark)
			■ (dark)			■ (dark)
			■ (dark)			■ (dark)

- ▶ Option 3: One to two weekday periods from 4:00pm until 7:00pm and one weekend overnight (example: Saturday 5:00pm until Sunday 9:00am).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Toddler Plan A Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: One to two weekday periods from 4:00pm until 7:00pm and an alternating one-overnight weekend (example: Friday 5:00pm until Sunday 9:00am).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Toddler Plan A Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Plan “B” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See the suggestions for “Infants”

- ▶ Option 2: One weekday period from 4:00pm until 7:00pm and alternate weekends from Friday 5:00pm until Sunday 10:00am.

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

Toddler Plan B Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 3: Two weekday periods from 4:00pm until 7:00pm and alternate weekends from Friday 5:00pm until Sunday 10:00am.

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

Toddler Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: Two non-consecutive overnights and one 3-to-6 hour period, weekly (example: 4:00pm Monday until 9:00am on Tuesday, Wednesday from 5:00pm until 8:00pm and Friday from 5:00pm until 9:00am on Saturday).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Toddler Plan B Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 5: One weekday overnight and alternate weekends from Friday evening to Monday morning.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Toddler Plan B Option 5						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 6: Two consecutive weekday overnights and alternate weekends from Friday evening to Sunday morning.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Toddler Plan B Option 6						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 7: An alternative plan agreeably worked out by the parents.

SECTION III

PARENTING TIME AND SCHEDULES

C. CHILDREN IN PRE-SCHOOL AND FULL-TIME CHILDCARE

Current research suggests that children in this age group can form strong attachments to both parents as well as other adults and caregivers. Along with the growing ability to form attachments with many people comes the ability to tolerate longer periods of separation from attachment figures. At this age, children are unable to remember people who they do not see very often. Ideally, the child should not be separated from either parent for more than 4 days at a time. Important for children throughout the preschool years are consistency, predictability, security, and structure.

When developing a parenting plan for children in preschool and full-time daycare:

- Consistency, predictability, and structure for parenting times with both parents are important during the preschool years.
- Preschool children can generally follow schedules using blocks of time to represent time with each parent.
- Preschoolers can generally understand that one parent may do things differently than the other parent and that rules may differ in different places.
- Preschool children are able to spend overnights with each parent, but multiple days-and-nights away may seem like a long time to a young child.
- It is critical that preschool children not be exposed to parental conflict. Exposure to parental conflict may cause young children to experience anxiety and to regress to younger behaviors.
- Nightmares are common for young children and some of their anxieties are expressed as fears and through nightmares. Nightmares do not necessarily mean the child is having bad experiences with either parent.
- Young children are self-centered. Young children often dislike changing activities when they are interested in a particular activity. For example, a child may cry when dropped off at preschool or when they are picked up from preschool. Similar protests can occur when changing from one parent to the other.
- As children grow older, their needs and abilities will dictate modifications of the parenting plan. It is important to have a gradual transition from one stage to the next in keeping with the individual child's age and maturity.

In each of the options listed below, **Parent ‘1’** shall be responsible for the child’s care at all times with the exception that **Parent ‘2’** shall have parenting time as follows:

Plan “A” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See suggestions for Younger-aged Children.
- ▶ Option 2: One weekday period from 5:00pm until 8:00pm and every Saturday and/or Sunday from 10:00am until 6:00pm.

☐ = Parent 1’s overnight ■ (light) = Parent 2’s overnight ■ (dark) = Parent 1’s overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan A Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 3: One to two weekday periods from 4:00pm until 7:00pm and one weekend overnight (example: Saturday 5:00pm until Sunday 9:00am).

☐ = Parent 1’s overnight ■ (light) = Parent 2’s overnight ■ (dark) = Parent 1’s overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan A Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: One to two weekday periods from 4:00pm until 7:00pm and an alternating one-overnight weekend (example: Friday 5:00pm until Sunday 9:00am).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan A Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<input type="checkbox"/>		<input type="checkbox"/>			<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>			
	<input type="checkbox"/>		<input type="checkbox"/>			<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>			

Plan “B” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See suggestions for Younger aged children.
- ▶ Option 2: One weekday period from 4:00pm until 7:00pm and alternating weekends from Friday 5:00pm until Sunday 10:00am.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan B Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>			
			<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>			

- ▶ Option 3: Two weekday periods from 4:00pm until 7:00pm and alternating weekends from Friday 5:00pm until Sunday 10:00am.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>		<input type="checkbox"/>	
			<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>		<input type="checkbox"/>	

- ▶ Option 4: Two non-consecutive overnights and one 3-to-6 hour period weekly (example: 4:00pm Monday until 9:00am on Tuesday, Wednesday from 5:00pm until 8:00pm and Friday from 5:00pm until 9:00am on Saturday).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan B Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

- ▶ Option 5: One weekday overnight and alternate weekends from Friday evening until Monday morning.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan B Option 5						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 6: Two consecutive weekday overnights and alternate weekends from Friday evening until Sunday morning.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Preschool/Full-time Childcare Plan B Option 6						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 7: An alternative plan agreeably worked out by the parents.

SECTION III

PARENTING TIME AND SCHEDULES

D. ELEMENTARY SCHOOL

Most elementary school children can handle moving back and forth between parents' homes with relative ease, although some children do better spending more time at one home. The child's school schedule, extra-curricular activities, parents' work schedule, and availability to provide transportation and supervision, are important factors in deciding on a parenting plan in this age group. Stability, predictability, ensuring the child's preparedness for school, and protection from parental conflict are essential to the child's adjustment.

When developing a parenting plan for elementary school children:

- Parents need to communicate with each other about establishing consistent rules, structure, and discipline for the child.
- Exchanges should be done quickly and without conflict to reduce transition issues for the child.
- Exchanges may be done by pickup and return at school or childcare – especially if the parents are in conflict or if either parent has concerns about that parent's safety around the other.
- The child's special needs, if any, should be considered in framing a parenting plan
- Neither parent should schedule outside/extracurricular activities that interfere with the other parent's court-ordered time with the child without mutual agreement.
- Parents need to agree mutually on any rescheduling in a timely manner.
- Parents should communicate when there are changes in the schedule.
- Children at this age and stage may tend to personalize events and changes in the home, and need to be reminded that the divorce is not their fault.
- Children benefit from receiving 'permission' from both parents to love and respect the other parent.

In each of the options listed below, **Parent ‘1’** shall be responsible for the child’s care at all times with the exception that **Parent ‘2’** shall have parenting time as follows:

Plan “A” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: One weekday period and alternate weekends (Friday 5:00pm until Sunday 10:00am)

☐ = Parent 1’s overnight ■ (light) = Parent 2’s overnight ■ (dark) = Parent 1’s overnight with Parent 2 daytime

Elementary School Plan A Option 1						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			■ (dark)		■ (light)	■ (light)
			■ (dark)			
			■ (dark)		■ (light)	■ (light)
			■ (dark)			

- ▶ Option 2: Two to three consecutive overnights every other week and one weekday period from 5:00pm until 8:00pm during non-overnight weeks.

☐ = Parent 1’s overnight ■ (light) = Parent 2’s overnight ■ (dark) = Parent 1’s overnight with Parent 2 daytime

Elementary School Plan A Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				■ (light)	■ (light)	■ (light)
	■ (dark)					
				■ (light)	■ (light)	■ (light)
	■ (dark)					

- ▶ Option 3: Two weekday periods from 5:00am-8:00pm and one weekend overnight each week (example: Friday 5:00pm – Saturday 5:00pm).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Elementary School Plan A Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

- ▶ Option 4: One weekday overnight and alternating weekends (Friday 5:00pm until Sunday 10:00am) with a weekday (5:00pm-8:00pm) during weekend.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Elementary School Plan A Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>		<input type="checkbox"/>		
		<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	

Plan “B” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: One to two weekday periods from 5:00am-8:00pm and an alternating 1- or 2- overnight weekend (Friday 5:00pm- Saturday 5:00pm one weekend and Friday 5:00pm- Sunday 10:00am).

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

Elementary School Plan B Option 1						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

- ▶ Option 2: Parents split each week and weekend (example: Wednesday 5:00pm until Saturday 5:00pm)

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

Elementary School Plan B Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- ▶ Option 3: Each parent has the same 2 consecutive weekday overnights each week and alternates the weekends; commonly referred to as the 5-2-2-5 plan (example: Parent 1 has the child Monday and Tuesday overnight each week; Parent 2 has the child Wednesday and Thursday overnight each week; both alternate Friday, Saturday and Sunday overnights week to week).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Elementary School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: Two to three consecutive overnights every other week and one weekday period from 5:00 – 8:00pm (can be an overnight).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Elementary School Plan B Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 5: Parents alternate seven-day periods, starting with any day of the week. [Requires a high degree of cooperation, coordination and communication between parents]

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Elementary School Plan B Option 5						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 6: An alternative plan agreeably worked out by the parents.

SECTION IV

PARENTING TIME AND SCHEDULES

E. MIDDLE-SCHOOL

Adolescents are developing a separate identity from their parents. They are typically more focused on activities and relationships with others outside the home. At the same time, adolescents need ongoing contact with both parents and continued guidance about rules and standards for their behavior. Adolescents often want to be more independent and to have a say in their living arrangements. Parents may find it helpful to allow older teens to express their ideas for schedules and living arrangements, while making it clear that it is still up to the parents to make the final decisions. Flexibility is the key in accepting children's increasing ability to care for their own needs and make more of their own decisions, while making sure that access to both parents occurs on a regular basis.

When developing a parenting plan for middle-school children:

- Parents need to communicate directly with each other about establishing consistent rules, structure, and discipline. Effective parental communication and cooperation are required in order to support adolescents in their school and extra-curricular activities. Parents should not use their child as a messenger
- It is not unusual for teenagers to be angry or embarrassed by parents' break-up and to side with one parent over the other. Both parents should be sensitive to the child's feelings; both parents should encourage ongoing contact with the other parent.
- Adolescents may resist a rigid weekly schedule and may prefer to make adjustments in the schedule based on school activities or other extra-curricular activities.
- Both parents need to support their children's participation in extra-curricular activities even if it conflicts with their parenting time.
- The child's special needs, if any, should be considered in framing a parenting plan
- While input from a child should be considered, it is the responsibility of the parents to agree upon the parenting plan. **Adolescents don't get to decide the parenting schedule.**
- An adolescent may want to spend more time with or to live with the other parent. This does not mean the change should occur. This may mean the adolescent is struggling with self-identity and that the teen needs meaningful contact with the other parent to successfully adjust. Adolescents are also trying to assert control over their environment – and others.
- Some adolescents may want to “change parents” when times get tough and to avoid consequences. Parents must not allow the child to triangulate the situation, taking control over from the parents.

NOTE: For many families a continuation of the parenting schedules from the grade school years is appropriate and desirable as work schedules and after school child care and programs may already be in place.

In each of the options listed below, **Parent ‘1’** shall be responsible for the child’s care at all times with the exception that **Parent ‘2’** shall have parenting time as follows:

Plan “A” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See “Elementary School” plans above.
- ▶ Option 2: One midweek period (5:00pm-8:00pm) or overnight, and every other weekend Friday 5:00pm to Sunday 6:00pm.

☐ = Parent 1’s overnight ▒ = Parent 2’s overnight ■ = Parent 1’s overnight with Parent 2 daytime

Middle School Plan 1 Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		■			▒	▒
■		■				
		■			▒	▒
■		■				

- ▶ Option 3: One to two weekday periods from 5:00pm-8:00pm and one weekend overnight (example: Saturday 5:00pm – Sunday 10:00am).

☐ = Parent 1’s overnight ▒ = Parent 2’s overnight ■ = Parent 1’s overnight with Parent 2 daytime

Middle School Plan A Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		■				▒
		■				▒
		■				▒
		■				▒

- ▶ Option 4: Two-to-three consecutive overnights every other week with one additional 6-to-8 hour period on an alternating weekend day.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Middle School Plan A Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Plan “B” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See “Elementary School” plans above.
- ▶ Option 2: Parents split each week and the weekend (Example: Wednesday 5:00pm until Saturday 5:00pm).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Middle School Plan B Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 3: Each parent has the same 2 consecutive weekday overnights each week and alternate the weekends; commonly referred to as the 5-2-2-5 plan (example: Parent 1 has the child Monday and Tuesday overnight each week; Parent 2 has the child Wednesday and Thursday overnight each week; both alternate Friday, Saturday and Sunday overnights week to week).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Middle School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: Each parent has 3 overnights one week and four overnights the following week, allowing each parent to have some weekend time with the child.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Middle School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 5: Parents alternate weeks (7 days in a row at each house).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Middle School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 6: An alternative plan agreeably worked out by the parents.

SECTION IV

PARENTING TIME AND SCHEDULES

F. HIGH SCHOOL

Adolescents are developing a separate identity from their parents and typically are more focused on activities and relationships outside the home. At the same time, adolescents need ongoing contact with both parents and continued guidance about rules and standards for their behavior. Adolescents often want to be more independent and to have a say in their living arrangements. Parents may find it helpful to allow older teens to express their ideas for schedules and living arrangements, while making it clear that it is still up to the parents to make the final decisions. In this way the teen will not feel coerced to comply with what may be experienced as a ‘rigid’ parenting time schedule, but rather feel able to participate in a process that directly impacts the child.

When developing a parenting plan for high school children:

Flexibility is the key in accepting children’s increasing ability to care for their own needs and make more of their own decisions, while making sure that access to both parents occurs on a regular basis. Some important considerations relative to this age group include scheduling accommodations that may be necessary around the following:

- Work
- Extracurricular activities
- Social life
- Increased homework
- Jobs
- Sports

Parents also need to be prepared to have honest, open discussions with each other and their teen about they will or will not support age-related exposures, requests and challenges such as:

- Body piercings
- Tattoos
- Dating
- Transportation (car purchase, use, responsibilities, etc.)
- Drugs and alcohol
- Staying home alone
- Money management
- Post-High School planning

While input from a child should be considered, it is the parents’ responsibility to determine the parenting plan. **Adolescents do not get to decide the parenting schedule.**

In each of the options listed below, **Parent ‘1’** shall be responsible for the child’s care at all times with the exception that **Parent ‘2’** shall have parenting time as follows:

Plan “A” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See “Elementary School” and “Middle School” plans above.
- ▶ Option 2: One midweek period (5:00pm-8:00pm) or overnight, and every other weekend Friday 5:00pm to Sunday 6:00pm.

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

High School Plan A Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 3: One to two weekday periods from 5:00pm-8:00pm and one weekend overnight (example: Saturday 5:00pm – Sunday 10:00am).

= Parent 1’s overnight
 = Parent 2’s overnight
 = Parent 1’s overnight with Parent 2 daytime

High School Plan A Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: Two- three consecutive overnights every other week, and an additional 6-8 hour period on an alternating weekend day.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

High School Plan A Option 4						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Plan “B” Options for Weekday and Weekend Scheduling:

- ▶ Option 1: See “Elementary School” and “Middle School” plans above.
- ▶ Option 2: Parents split each week and the weekend (Example: Wednesday 5:00pm until Saturday 5:00pm).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

High School Plan B Option 2						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 3: Each parent has the same 2 consecutive weekday overnights each week and alternate the weekends; commonly referred to as the 5-2-2-5 plan (example: Parent 1 has the child Monday and Tuesday overnight each week; Parent 2 has the child Wednesday and Thursday overnight each week; both alternate Friday, Saturday and Sunday overnights week to week).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

High School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 4: Each parent has 3 overnights one week and four overnights the next week, allowing each parent to have some weekend time with the child.

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

Middle School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 5: Parents alternate weeks (7 days in a row at each house).

= Parent 1's overnight
 = Parent 2's overnight
 = Parent 1's overnight with Parent 2 daytime

High School Plan B Option 5						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 6: Parents alternate every 2 weeks (14 days in a row at each house), with or without mid-week periods.

= Parent 1's overnight
 = Parent 2's overnight
 = off-week parent's daytime, return for overnight

Middle School Plan B Option 3						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

- ▶ Option 7: An alternative plan agreeably worked out by the parents.

VACATIONS, SCHOOL BREAKS, AND HOLIDAY PARENTING TIMES

As children reach age three, they become aware of holidays. Parents must be flexible, cooperative, and allow the child to enjoy special times with each parent. New family traditions may develop for each household. Parents should arrange for the many religious, cultural, or national holidays that exist in each home including family birthdays and Mother's Day and Father's Day. Many parents agree that the children will be with the mother every Mother's Day and the father every Father's Day. Many parents divide most of the holidays but split up the time on days that are special for both parents, such as Christmas Eve and Christmas or the child's birthday.

- Every parenting plan should include provisions for holidays and other specified events have priority over "regularly scheduled parenting time." Sample provisions including:
- Holiday parenting times have priority over conflicting weekday or weekend parenting times.
- Each parent will notify the other as soon as possible of any need to vary from their standard parenting time schedule with a goal of making sure that notification is at least 12-hours in advance of any request for temporary variation from the established parenting time schedule.
- Parents should decide the holidays that fit into their own family traditions – while the family was together, if they were, as well as to each parent and that parent's extended family.
- Each parent should inform the other parent whenever he or she plans to travel out-of- town with his or her child or when out-of-town travel will affect the time the other parent may have with the child.
- Unless both parents agree, if a parent plans to take their child out-of-town, it is recommended that each parent schedule the out-of-town travel during that parent's scheduled time rather than when the child is in the other parent's care.
- Each parent should give the other parent thirty–days advance written notice of any possible vacation dates before making final arrangements.
- Each parent should inform the other parent of the vacation destination and way to contact the child and parent during that time.
- Telephone contact is recommended to increase the child's sense of continuity and security during the out-of-town vacation time.
- Parents should give consideration to the child's activities during the summer before making final vacation plans in order to avoid conflict in schedules.

- Older adolescents may resist a rigid vacation schedule and may wish to express their ideas for a summer schedule that includes their activities and interests.
- It is critical for both parents to have the child’s school schedule available before discussing vacation and school break plans.
- Holidays and special occasions are especially challenging for parents who live far apart. Long distance parenting is expensive. If the court has not directed how long-distance travel costs are apportioned in the child support order, the parents should agree on how to share these costs.

Seasonal Holidays:

Winter: Martin Luther King Day
 President’s Day
 Winter School Conference Break

Spring: Spring Break
 Spring School Conference Break or additional days around Easter holiday
 Mother’s Day
 Memorial Day

Summer: Father’s Day
 Independence Day
 Labor Day

Autumn: Fall School Conference Break
 Halloween
 Thanksgiving

Religious Holidays:

Christian: Easter
 Christmas Eve
 Christmas Day

Muslim: Islamic New Year
 Eid al-Fitr
 Eid al-Hadr

Jewish: Purim
 Rosh Hashanah
 Yom Kippur
 Hanukkah (first night)
 Hannukkah (last night)

Passover (first night)
 Passover (second night)
 Simhat Torah
 Sukkot
 Shavuot

Hindu: Ganesha Chaturthi/Vinayaka Chaturthi
 Diwali
 Dussehra

Holi
 Navaratri
 Janmastami

After deciding which holidays apply, parents should think about whether all holidays should be handled the same way or whether it makes more sense to divide some and alternate some. Vacations, holidays, and other special days usually take priority over the regular parenting schedule, without making up the lost time. Parents should return to their regular parenting schedule.

There are a few different ways that holidays can be divided up between parents depending on the importance of the holiday to each parent and the child, whether extended family is involved, and whether a tradition is established for the child. The following are possible solutions:

- ***Divide the Holiday:*** Split the day or weekend (not necessarily equally) between both parents.

Sample language: The child will be with Parent A on _____ (name the specific holiday, such as Thanksgiving) from 9:00 a.m. to 2:00 p.m. and with Parent B from 2:00 p.m. to 8:00 p.m.

- ***Alternate the Holiday:*** The children are with one parent on specified holidays in even years and with the other parent in odd years.

Sample language: The children will be with Parent A on _____ (specific holiday, such as Thanksgiving) in all even years from 9:00 a.m. to 5:00 p.m. and with Parent B in all years from 9:00 a.m. to 5:00 p.m.

- ***Substitute a Holiday for Another Day or Parenting Time:*** The children always spend a specific holiday with one parent (for example, Halloween) in exchange for a different holiday with the other parent (for example, Fourth of July).

Sample language: The children will spend _____ (specific holiday, such as Fourth of July) each year with Parent A and _____ (specific holiday, such as Halloween) with Parent B each year.

- ***Follow the regular schedule:*** No change in schedule is made for the holiday.

Sample Language for Specific Holiday Parenting Times:

New Year's Eve and New Year's Day

Some possible ways to structure New Year's Eve and New Year's Day:

- A. No schedule change.
- B. One parent has the period from December 31 to January 1 in odd-numbered years and the other parent has the same period in even-numbered years.
- C. One parent has extra time scheduled during all or part of the day.
- D. New Years Eve and New Years Day are part of the Winter School Break Schedule.

Mother's Day and Father's Day

Some possible ways to structure Mother's Day and Father's Day Parenting Time:

- A. No schedule change.
- B. Each parent has that parent's respective day every year, with perhaps an extra overnight or weekend.
- C. Mother shall have every Mother's Day weekend from Friday evening until Monday morning and Father shall have every Father's Day weekend from Friday evening until Monday morning.
- D. Mother shall have every Mother's Day weekend from Friday evening until Sunday Evening and Father shall have every Father's Day weekend from Friday evening until Sunday evening.
- E. One parent has extra time scheduled during all or part of the day.

Independence Day

Some possible ways to structure Independence Day and Other floating one-day Holidays:

- A. No schedule change.
- B. One parent has Independence Day in odd-numbered years and the other parent has Independence Day in even-numbered years.
- C. Each parent has Independence Day from 5:00 pm on July 3 until 9 am on July 5 with one parent having Independence Day holiday in odd-numbered years and the other parent having Independence Day holiday in even-numbered years.
- D. One parent has parenting time every July 4 and July 5.
- E. One parent has extra time on or near the holiday.

Monday and Friday School Holidays

Some possible ways to structure Monday and Friday School Holidays:

- A. No schedule change.
- B. The parent with the weekend adds the Monday or Friday holiday to the weekend.
- C. Each individual Monday or Friday holiday is assigned to one parent in odd-numbered years and the other parent in even-numbered years.
- D. One parent has additional time on all or some of the Monday and Friday holidays.

Thanksgiving Day and Weekend

Some possible ways to structure Thanksgiving Day or Thanksgiving Weekend Parenting Time:

- A. No schedule change.
- B. One parent has all or part of the four-day holiday period in even-numbered years, and the other parent has the same period in odd-numbered years.
- C. One parent has Thanksgiving Day in even-numbered years, and the other parent has the day in odd years.
- D. One parent has parenting time on Thanksgiving Day and Thanksgiving Friday; the other parent has parenting time for Thanksgiving weekend (Saturday and Sunday)
- E. One parent has extra time on the holiday or part of the holiday weekend, or the child participates in activities with each parent.
- F. One parent has parenting time from the day school is dismissed until Friday evening with one parent in even-numbered years and with the other parent in odd-numbered years; the alternating weekend schedule shall remain the same
- G. One parent has parenting time from the day school is dismissed until Friday evening with one parent in even-numbered years and the other parent in during odd-numbered years; the parent who does not have Thanksgiving Day shall always have the weekend following Thanksgiving Day (Saturday and Sunday)
- H. One parent has parenting time from the day school is dismissed until either Sunday evening in odd-numbered years and the other parent shall have the same time in even-numbered years.
- I. For parents whose families have special celebrations on Thanksgiving Day OR another religious holiday (e.g., Christmas), one parent has parenting time for Thanksgiving Eve and Day and the other parent has parenting time that year on the Eve and Day of the other religious holiday (e.g., Christmas) year-to-year or alternating in odd and even years.

Easter Sunday

Some possible ways to structure Easter Sunday and Other One-Day Religious Holidays:

- A. No schedule change.
- B. One parent has a period of time from Saturday to Sunday in odd-numbered years and the other parent has the same period in even-numbered years.
- C. One parent has extra time scheduled during all or part of the day.
- D. One parent has parenting time from Saturday to Sunday after church or brunch and the other parent has the remaining portion of Easter Sunday until Monday morning; year-to-year or alternating each year.

Christmas Eve and Christmas Day

Some possible ways to structure Holiday Parenting Time for Christmas Eve and Christmas Day:

- A. No schedule change.
- B. One parent has the period from midday December 24 until midday December 25 in even-numbered years with the other parent having this period in odd-numbered years. The parent not having December 24-25 has the children from midday on December 25 until midday on December 26.
- C. One parent has Christmas Eve Day until 8:00 p.m. when the child goes to the other parents residence until Christmas Day evening or until midday December 26 in even-numbered years with the other parent having this period in odd-numbered years. The parent not having December 24-25 has the children from midday on December 25 until midday on December 26.
- D. One parent has the period from midday December 24 until midday December 25 in even-numbered years with the other parent having this period in odd-numbered years. The parent not having December 24-25 has the children from midday on December 25 until midday on December 26.
- E. One parent has extra time on the holiday or part of the holiday weekend, or the child participates in activities with each parent.
- F. For parents with very young children, and who get along very well in the best interest of their child, parents may split the Winter Break evenly but choose to spend Christmas morning or day together with their child.
- G. For parents whose families have special celebrations on Thanksgiving Day OR another religious holiday (e.g., Christmas), one parent has parenting time for Thanksgiving Eve and Day and the other parent has parenting time that year on the Eve and Day of the other religious holiday (e.g., Christmas) year-to-year or alternating in odd and even years.
- H. If either parent decides that they wish to travel during the Winter Break, he/she shall inform the other parent by October 1st of that year and that parent shall have up to seven days over the holiday. If both parents wish to travel during the winter break, Mother shall have priority in odd-numbered years and the Father in even-numbered years.
- I. Neither parent shall plan a vacation over the Christmas Eve/Christmas Day period of the other parent (i.e. the other parent shall not miss out on that parent's Christmas Eve/Christmas Day parenting time because of a vacation by the other parent) without the consent of the other parent. All vacations need to be planned so that the children are with the other parent on that parent's scheduled Christmas Eve/Christmas Day, unless the other parent consents to the travel over that parent's Christmas Eve/Christmas Day time.

SECTION V

MILITARY DEPLOYMENT

Kansas and federal laws require that parenting plans make provisions for appropriate parenting time when a parent who is in the military has received deployment, mobilization, temporary duty or unaccompanied tour orders from the military. K.S.A. 23-3217. Parents are encouraged to plan ahead to include provisions for how their child will be taken care of – and by whom – if one or both parents are deployed. Kansas and federal law specifically provides that:

- Deployment, mobilization, temporary duty and unaccompanied tour orders from the military cannot constitute a material change in circumstances to permanently modify a custody or parenting time order;
- A court cannot consider the absence of a parent due to deployment, or the possibility of deployment, as the sole factor in determining the best interest of the child for any order changing parenting time for that child;
- Any court order that limits any previously ordered legal custody or parenting time rights due to a parent's deployment, mobilization, temporary duty or unaccompanied tour must specify this as the basis for the order and must be entered as a temporary order;
- If a court issues a temporary custody order based solely on the deployment or anticipated deployment of a servicemember, the court must require the reinstatement of the prior custody order upon the return of the servicemember from deployment, unless the court finds that reinstatement is not in the best interest of the child.
- The nondeploying parent must provide the court with 30–days advance written notice of any change of address and any change of telephone number during the other parent’s deployment.
- Temporary orders for decision-making for a child based solely on deployment or anticipated deployment of a servicemember parent must expire no later than the period justified by the deployment of the servicemember
- The court must set a hearing date within 30 days from the date of any motion seeking to amend or review custody or parenting time filed by a parent returning from deployment, mobilization, temporary duty or unaccompanied tour. For purposes of this hearing, the nondeploying parent bears the burden of showing that reentry of the custody or parenting time order in effect before deployment is no longer in the best interests of the child.
- If the parents entered into a parenting plan that includes provisions for custody and parenting time upon military deployment, mobilization, temporary duty or unaccompanied tour, that agreement is presumed to be in the child’s best interests.

- On motion of a parent who has received deployment orders, the court shall, for good cause, hold an expedited hearing in custody and parenting time matters when the military duties of a parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing.

Any order for parenting time involving military servicemembers must provide that:

(1) The nondeploying parent shall reasonably accommodate the leave schedule of the parent subject to deployment, mobilization, temporary duty or unaccompanied tour orders;

(2) the nondeploying parent shall facilitate opportunities for telephone and email contact between the deployed parent and the child during the period of such deployment, mobilization, temporary duty or unaccompanied tour; and

(3) the parent subject to deployment, mobilization, temporary duty or unaccompanied tour shall provide timely information regarding such parent's leave schedule to the nondeploying parent. Willful violation of such order shall constitute contempt of court.

SECTION VI

DOMESTIC VIOLENCE

Where high conflict or safety concerns exist, parents should agree to or propose a parenting plan that provides clear parameters for in-person contacts and exchanges. Parents should include provisions that make exchanges of the child safe, predictable, and secure for both child and parent. Parents should also ensure the exchanges are made in a way that does not require the parents to directly interact with each other.

The purpose of a detailed parenting plan is to anticipate future possibilities and to protect the parents and the child from harmful interactions. Special consideration should be given to determine how exchanges of the child should take place and whether those exchanges should be at a neutral location, with enough separation between pickup and drop-off times so that the parents do not interact.

Parents should be aware of the following concerns when protection orders exist:

- Protection from Abuse orders and Protection from Stalking orders supersede any other orders that provide for the legal custody or parenting time for a child.
- If a criminal ‘no-contact’ order names a child as victim or witness, that order may state that the order is effective except as provided in an order issued in a civil action. If no orders for parenting time exist in any civil case, the criminal ‘no-contact’ order governs and it must be followed.
- It is NOT appropriate to use a petition for PFA or PFS as a way to limit or prohibit a parent from having contact with the child (unless the child is in danger).
- Most issues of legal custody and parenting time will be dealt within the divorce or paternity action, with the Court removing the child from the PFA/PFS.
- If a parent files a PFA or PFS asking the Court to include the children if the parents are not married and there is no paternity action on file, the Court does not have jurisdiction to order contact between an alleged parent and the child, absent agreement between the parents.
- A child who is present when domestic violence occurs is a victim of domestic violence even when not the direct target of the abuse.
- It is NOT a reason to change the residency of a child merely because the child is temporarily residing in a domestic violence shelter.

SECTION VII

LONG DISTANCE PARENTING AND RELOCATION

Special difficulties exist when parents live a long distance from each other. Long distances mean the parents normally cannot easily have a back-and-forth sharing of parenting time since it would interfere with the child's regular weekly school activities. Parents must be aware of the impact of relocation on their child and that relocation may require the permission of a judge. Kansas law provides that changing the residence of a child or removing the child from the state for more than 90 days may constitute a material change of circumstances justifying modification of a prior custody order. K.S.A. 23-3222.

When significant geographical distances separate a parent from the child, the parenting plan should contain age appropriate provisions that provide for:

- A method and scheduling details for regular contact between the child and other parent (e.g. telephone, video chat)
- Longer periods of contact with the other parent during school breaks and holidays.
- Extended summer parenting times
- Provisions for how the distant parent will stay informed about school records, school calendars, school photographs, activities, report cards, standardized test results. Parents should obtain information directly through school websites and internet information.

When one parent seeks modification of a prior order based on a change of residence or removal of the child from the state for more than 90 days, courts consider the following factors:

- The effect of the move on the best interests of the child,
- The effect of the move on any party having rights to custody, visitation, or parenting time with the child,
- The increased cost the move will impose on any party seeking to exercise rights, or
- Any other factors the court deems appropriate.

When parents live far apart, there should be a minimum of four blocks of parenting time between the child and the long-distance parent each year. Blocks of time should occur over the summer, winter break, spring break, and at least one other block of time. When the parents live close enough to each other, parents can add weekend time 1-2 times per month during the months not covered by the four parenting time blocks.

Who should pay for the costs of travel should be included in the child support order. Where the move is necessary, the costs usually are divided in proportion to the parents' incomes. However, if the move is voluntary, the moving parent usually pays a greater percentage of all travel costs. Another option is to have the long-distance parent do most of the traveling and not

the children, especially with very young children. Ideally, a child younger than eight should not travel alone. The receiving parent should be the accompanying travel parent whenever possible.

Opportunities can occur for either parent to be in town when the children are in the care of the other parent. When such opportunities arise, parents should be flexible and set aside normal routines to allow contact on short notice. Provisions for these occurrences should be included in a parenting plan.

International parenting time and travel provisions should be included in a parenting plan when necessary. The parenting plan should include which parent is responsible for safeguarding documents such as passports and visas, generally the primary custodial parent. Parents should also keep up-to-date on the latest border crossing requirements, which can be found at <http://www.dhs.gov/how-do-i/cross-us-borders>. For long-term planning, review the information found in the Office of Children's Issues, U.S. Department of State, found at <http://travel.state.gov/content/childabduction/en/about.html>.

SECTION VIII

ALTERNATIVE DISPUTE RESOLUTION

Kansas statutes require that every parenting plan include a way for parents to resolve parenting disputes without the need for court intervention. K.S.A. 23-3213(b). The method selected should fit the parents' needs and the child's situation.

When compared to families with court-imposed parenting plans, studies have found that parents who arrive at their own agreed parenting plan without litigation are more involved with their child in more ways, maintain more and better relations with their child, and are happier with their lives and their interactions with their child and the other parent. Parents who worked out agreed changes to their parenting plans make more changes in their child's living arrangements, but for the most part, those changes are the result of increased cooperation and flexibility between the parents rather than conflict.

Parenting plan provisions for resolving disputes - other than child support disputes - without court intervention can include:

- Co-parent counseling, with the parents working through their disputes in good faith.
- Conciliation through the Johnson County Court Services Office.
- Mediation, with the parents working through their disputes in at least one 2-hour session in good faith towards a resolution of the issues presented.
- Arbitration
- Domestic case management
- How the costs of dispute resolution will be paid, such as 1) proportionally based on the income shown on a current child support worksheet, 2) equally, 3) as determined in the dispute resolution process, or 4) another division as agreed by the parties.
- How the dispute resolution process shall be commenced, such as notifying the other parent by written request or certified mail.

In the dispute resolution process:

- Unless an emergency exists, the parents must first use the designated process to resolve disputes relating to the parenting plan, except those related to financial support.
- A written record of any agreement reached through the dispute resolution process must be prepared and provided to each party.
- The court may award attorneys' fees and impose financial sanctions on a parent if the court finds that they have used or frustrated the dispute resolution process without good reason, or if the parent has not used the dispute resolution process in good faith.
- Parents have the right of review from the dispute resolution process to the district court.

SECTION IX CALENDAR TEMPLATES

Parenting Plan Worksheets and Calendars

Usual Monthly Schedule							
	<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
<i>Week 1</i>							
<i>Week 2</i>							
<i>Week 3</i>							
<i>Week 4</i>							
<i>Week 5</i>							

Usual Weekly Schedule						
	Time (from when to when)	Every Week	Alternate Weeks	First and Third Weeks	Second and Fourth Weeks	Fifth Week
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						

Winter Holidays:

Holiday	Even-Years	Odd-Years
Martin Luther King Jr. Birthday:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
President's Day	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Winter School Conference Break:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Spring Holidays:

Holiday	Even-Years	Odd-Years
Spring Break:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Spring conferences or additional days around Easter holiday:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Mother's Day:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Memorial Day:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Summer Holidays:

Holiday	Even-Years	Odd-Years
Father's Day:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Independence Day:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Labor Day:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Autumn Holidays:

Holiday	Even-Years	Odd-Years
Fall School Conference Break:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Halloween:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Thanksgiving:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Christian Holidays:

Holiday	Even-Years	Odd-Years
Christmas Eve:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Christmas Day:	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Easter Sunday	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Jewish Holidays:

Holiday	Even-Years	Odd-Years
Purim	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Rosh Hashanah	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Yom Kippur	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Hanukkah (first night)	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Hanukkah (last night)	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Passover (first night)	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Passover (second night)	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Simhat Torah	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Sukkot	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Shavuot	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Muslim Holidays:

Holiday	Even-Years	Odd-Years
Islamic New Year	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Eid al-Fitr	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Eid al-Hadr	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Hindu Holidays:

Holiday	Even-Years	Odd-Years
Ganesha Chaturthi/Vinayaka Chaturthi	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Diwali	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Dussehra	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

Holi	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Navaratri	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____
Janmastami	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____	Mother/Father from _____ a.m./p.m. on _____ until _____ a.m./p.m. on _____

6.3. Summer Schedule (commencing with the Tuesday immediately following Memorial Day):

	Mother's Parenting Time	Father's Parenting Time
June:		
July:		
August:		

HOLIDAY SCHEDULE				
	TIME (FROM WHEN TO WHEN)	EVERY YEAR	EVEN	ODD
New Year's Eve/Day				
Martin Luther King Day*				
Lincoln's Birthday*				
Presidents' Day*				
Easter				
Mother's Day				
Memorial Day*				
Father's Day				
July 4th				
Labor Day*				
Columbus Day*				
Halloween				
Veteran's Day*				
Thanksgiving Day				
Thanksgiving Weekend				
Christmas Eve/Day				
Child's Birthday				

HOLIDAY SCHEDULE (CONTINUED)

Other:				

SECTION X
MODEL STIPULATED PARENTING
PLAN

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

,
Petitioner.

Case No.
Court No.

v.

,
Respondent.

STIPULATED PARENTING PLAN

On the date file-stamped above, Petitioner (hereinafter “Petitioner”) and Respondent (hereinafter “Respondent”) enter into the following Agreement regarding their minor child(ren), NAMES/INITIALS, born xx/20.

1. PARENTING TIME, EXCHANGES AND CONTACT:

(a) **Joint Custody** - The parties shall have the joint care, custody and control of their minor child(ren).

(b) **Health, Education and Welfare** - The parties acknowledge that under Kansas law the term “joint custody” means that both parents have equal rights and responsibilities for the child(ren) and that neither parent’s rights are superior. In accordance with their joint responsibilities, the parents shall consult with each other on issues affecting their child(ren) and they shall try to agree upon the

best decision for their child(ren) on major issues. Major issues for parental decision-making include, but are not limited to: issues concerning the child(ren)'s education, health and medical treatment (except when an emergency prevents immediate consultation, in which case the other parent is notified as soon as reasonably possible), religious training and other important matters affecting the child(ren)'s general welfare.

- i. Both parents shall have the ability to schedule and attend any health or medical appointments for the child(ren). If a parent schedules an appointment, they shall provide the other parent with notification of the same within twenty-four (24) hours, including the provider's name, address, phone number and reason for the appointment.
- ii. The child(ren) shall continue to use those doctors and other medical care providers from whom they are currently receiving treatment, unless the parties agree that a change is appropriate or that the doctor or other medical care provider is no longer listed as a preferred provider with the then-existing medical insurance policy.
- iii. If the parties cannot agree on the health or medical care of the child(ren), they shall defer to the advice of their current provider.
- iv. The parties shall notify the other as soon as possible when a child has an accident or injury requiring medical care or will need to miss school or other scheduled event because of illness.
- v. In the event of an emergency, neither party shall delay medical care in order

to obtain an agreement from the other party. However, the party shall communicate as soon as practical under the circumstances to advise the other party of the status of such treatment.

vi. If a child is prescribed medication by a licensed health care provider, the parent filling the prescription shall see that the child has an adequate supply of medication together with appropriate instructions prior to any transfer to the other parent's care. The other parent shall be responsible for ensuring that the child is given the medication according to the prescription while in that parent's care.

(c) **Access to Health and Educational Records** – As joint legal custodians, each of the parents shall have equal right to access, inspect, and obtain their child(ren)'s medical and educational records including but not limited to: medical, dental and school records.

(d) **Extracurricular Activities** – The parties shall consult with each other before enrolling the child(ren) in any extracurricular activities that may occur on the other parent's time such as sports, music and dance. If the child(ren) are participating in a particular activity at the time this Agreement is signed, such activity should continue absent agreement of the parties other compelling circumstances. The parties shall ensure that the child(ren) are taken to their scheduled activities during their designated parenting time, provided there is no reasonable schedule conflict that make participation in the activity on a particular day impractical or impossible.

(e) **Standard Parenting Time Schedule** - Unless otherwise agreed to by the parties, in writing, the following represents the standard default parenting time schedule/plan:

Petitioner's Parenting Time. Petitioner shall have the following parenting times:

At times not designated to Respondent hereinbelow.

Respondent's Parenting Time. Respondent shall have the following parenting times:

Respondent's Parenting Time. Respondent shall have the following parenting times:

CHOOSE ONE:

Respondent shall have parenting time every other weekend from Friday immediately after school (or 5:00 pm if no school on that day) through drop off to school on Monday morning (or to Petitioner at 8:00 am if no school on that day).

Respondent shall have parenting time on weeks before their every other weekend parenting time from Tuesday immediately after school (or 5:00 pm if no school on that day) until Thursday morning drop off to school (or to Petitioner at 8:00 am if no school on that day).

Respondent shall have parenting time on weeks after their every other weekend parenting time from Wednesday immediately after school (or 5:00 pm if no school on that day) until Thursday morning drop off to school (or to Petitioner at 8:00 am if no school on that day).

	Monday	Tues	Wed	Thurs	Fri	Sat	Sun
Week 1	P	R: after school	R	R: drop off at school P	R: after school	R	R
Week 2	R: drop off at school P	P	R: after school	R: drop off at school P	P	P	P

P = Petitioner
R = Respondent

OR

Petitioner shall have parenting time every other weekend from Friday immediately after school (or 5:00 pm if no school on that day) through drop off to school on Monday morning (or to Respondent at 8:00 am if no school on that day).

Petitioner shall have parenting time on weeks before their every other weekend parenting time from Tuesday immediately after school (or 5:00 pm if no school on that day) until Thursday morning drop off to school (or to Respondent at 8:00 am if no school on that day).

Petitioner shall have parenting time on weeks after their every other weekend parenting time from Wednesday immediately after school (or 5:00 pm if no school on that day) until Thursday morning drop off to school (or to Respondent at 8:00 am if no school on that day).

	Monday	Tues	Wed	Thurs	Fri	Sat	Sun
Week 1	R	P: after school	P	P: drop off at school R	P: after school	P	P
Week 2	P: drop off at school R	R	P: after school	P: drop off at school R	R	R	R

P = Petitioner
R = Respondent

(f) **Holiday/Birthday Parenting Time** – Unless otherwise agreed to by the parties, in writing, they shall alternate holiday/birthday parenting time as set forth hereinbelow:

(i) **Spring Break.** Spring Break shall begin at 5:00 p.m. on the day school is let out for the extended break (this may include in –service days) and shall continue until the commencement of school (after the extended break and any additional in-service days).

The child(ren) shall reside with each parent during one-half of the Spring Break with an exchange on the midpoint-day at 5:00 pm. The parent normally having the child(ren) during the first weekend of Spring Break shall have the child(ren) the first half of Spring Break.

(ii) **Mother’s Day.** The child(ren) shall spend Mother’s Day from 9:00 a.m. until 8:00 p.m. with Mother.

(iii) **Memorial Day.** The child(ren) shall spend the Memorial Day weekend from Friday immediately after school (or 5:00 p.m. if no school) until Monday at 8:00 p.m. with Petitioner in even-numbered years and with Respondent in odd-numbered years.

(iv) **Father's Day.** The child(ren) shall spend Father's Day from 9:00 a.m. until 8:00 p.m. with Father.

(v) **Fourth of July.** The child(ren) shall spend the Fourth of July holiday from 5:00 p.m. on July 3rd until 5:00 p.m. on July 5th with Petitioner in even-numbered years and with Respondent in odd-numbered years.

(vi) **Labor Day.** The child(ren) shall spend Labor Day weekend from Friday immediately after school (or 5:00 p.m. if no school) until Monday at 8:00 p.m. with Petitioner in odd-numbered years and with Respondent in even-numbered years.

(vii) **Halloween.** Every effort should be made to share time between the parents every year. In the event the parents cannot agree, the child(ren) shall spend from 5:00 pm through 8:00 pm on Halloween evening with Petitioner during even-numbered years and with Respondent during odd-numbered years. The parties shall follow their standard parenting time schedule for the remainder of the day.

(viii) **Thanksgiving.** Thanksgiving shall begin on the Wednesday immediately before Thanksgiving at 5:00 pm and shall continue until the commencement of school (after the extended break and any additional in-service days).

The child(ren) shall spend from Wednesday at 5:00 p.m. until Friday at 5:00 p.m. with Respondent during even-numbered years and with Petitioner during odd-numbered years. The parent that does not have Thanksgiving Day shall always have the weekend following Thanksgiving Day from Friday at 5:00 p.m. until the commencement of school (after the extended break and any additional in-service days)

(ix) **Winter Break.** Winter Break shall begin at 5:00 p.m. on the day school is let out for the extended break (this may include in-service days) and shall continue until the commencement of school (after the extended break and any additional in-service days).

The child(ren) shall spend from 5:00 p.m. on the day that school is dismissed for winter break until 8:00 p.m. on December 24th with Respondent during even-numbered years and with Petitioner during odd-numbered years. The child(ren) shall spend from 8:00 p.m. on December 24th until 5:00 p.m. on December 30th with Petitioner during even-numbered years and with Respondent during odd-numbered years. The child(ren) shall spend from December 30th at 5:00 p.m. until the commencement of school (after the extended break and any additional in-

service days) with Respondent during even-numbered years and with Petitioner during odd-numbered years.

(x) **Religious Holidays.** If the parents actively practice different faiths, this should be considered when dividing holidays. In appropriate circumstances the family may consider the following division of religious holidays;

(1) Christian Religious Holidays. The following holiday schedule may be followed for families of Christian faith:

a) Easter. The child shall spend the Easter holiday from Saturday night at 5:00 p.m. until Sunday at 5:00 p.m. with Respondent during even-numbered years and with Petitioner during odd-numbered years.

b) Christmas. The Christmas Eve and Christmas Day schedule is reflected in the Winter Break schedule set forth hereinabove.

(2) Jewish Religious Holidays. The following holiday schedule may be followed for families of Jewish faith. Unless otherwise stated the holiday should be considered to begin the evening before the holiday and end the evening of the holiday.

a) Rosh Hashanah. The child shall spend Rosh Hashanah with Respondent during even-numbered years and with Petitioner during odd-numbered years. The parents should agree upon the definition of the holiday as it may be observed as a single day or over two days depending on the practices of the family.

b) Yom Kippur. The child shall spend Yom Kippur with Petitioner during even-numbered years and with Respondent during odd-numbered years.

c) Alternate Nights of Hanukkah. The child shall spend alternate nights of Hanukkah beginning with the first night, with Respondent having the first night during even-numbered years and with Petitioner having the first night during odd-numbered years.

d) The First Night of Passover. The child shall spend the first night of Passover with Respondent during odd-numbered years and with Petitioner during even-numbered years. The holiday time shall end before the beginning of the second night.

e) The Second Night of Passover. The child shall spend the second night of Passover with Petitioner during odd-numbered years and with Respondent during even-numbered years. The holiday time shall be at the

conclusion of the second day.

(3) Islamic Religious Holidays. The following holiday schedule may be followed for families of Muslim faith:

a) Eid al-Fitr. The child shall spend this holiday celebration with Petitioner during even-numbered years and Respondent during odd-numbered years.

b) Eid al-Hadr. The child shall spend this holiday celebration with Petitioner during odd-numbered years and Respondent during even-numbered years.

(4) Hindu Religious Holidays.

a) Diwali. The child shall spend this holiday celebration with the Petitioner during even-numbered years and Respondent during odd-numbered years.

b) Rama Namami. The child shall spent this holiday celebration with Petitioner during odd-numbered years and Respondent during even-numbered years.

c) Krishna Jayanti. The child shall spend this holiday celebration with the Petitioner during even-numbered years and Respondent during odd-numbered years.

d) Mahashivaratri. The child shall spend this holiday celebration with Petitioner during odd-numbered years and Respondent during even-numbered years.

(5) Other Religious Holidays. Religious holidays or celebrations other than those referenced above should be shared or alternated similarly to that provided in the above schedule.

(xi) **Parent's Birthday.** The child(ren) should spend part of the day with the respective parent on that parent's birthday. If the parties cannot agree, the time period shall be from 5:00 pm through 8:00 pm.

(xii) **Child's Birthday.** The child(ren) shall spend a child's birthday with Respondent during even-numbered years and with Petitioner during odd-numbered years. If the parties cannot agree, the time period shall be from 5:00 pm through 8:00 pm.

(g) **Vacation Time** – In addition to the standard parenting time schedule and holiday parenting time schedule as forth more fully hereinabove, each parent shall be afforded a one-week period of uninterrupted parenting time for vacation each summer. This time shall encompass the parties’ Standard Parenting Time Schedule as set forth more fully in paragraph (e) hereinabove and shall not be taken over another parent’s Holiday/Birthday Parenting Time as set forth more fully in paragraph (f) hereinabove.

The parties shall provide each other written notice of such request, along with the proposed itinerary, no later than thirty (30) days prior to the same being exercised. If the parties wish to exercise vacation time during the same time period, Petitioner’s preference shall prevail in even numbered years and Respondent’s preference shall prevail in odd numbered years.

(h) **Priority for Parenting Time** – Holiday/Birthday Parenting Time shall take precedence over the parties’ Standard Parenting Time Schedule and Vacation Time. Vacation Time shall take precedence over the parties’ Standard Parenting Time Schedule when the requisite notice has been provided. Unless agreed to by the parties, in writing, there shall be no adjustments for “missed” weekends or weekdays due to interruption by Holiday/Birthday Parenting Time or Vacation Time.

(i) **Transportation and Location for Exchanges** – The parties agree to equally (50/50) share in the transportation for exchanges. In the event the parties cannot agree, the parent whose parenting time is ending shall be responsible for dropping off the child(ren) at the conclusion of their parenting time at the residence of the other parent.

(j) **Notice of Transportation Difficulties** – In the event that a parent either picking up or dropping off the child(ren) is unavoidably detained, for reasons not reasonably foreseeable by that parent in advance, that parent shall advise the other as soon as possible of the delay and the expected time of arrival. The parents should be flexible and cooperative in dealing with traffic delays, workplace emergencies, and the like. Each parent should be considerate of the other’s plans and endeavor to avoid delays in picking up or dropping of the child(ren) whenever possible.

(k) **Late Fees** – In the event that parent is late picking up their child(ren) from daycare or is otherwise unable to pick up their child(ren) at daycare and late pick up fees are assessed, the parent responsible for the late pick up shall also be responsible for the late fees incurred.

(l) **Out of Town Travel** – Should either parent take a child out of the Kansas City Metropolitan Area on their Parenting Time, they shall provide a complete itinerary and contact information where they may be reached, including the address and phone number, no later than forty-eight (48) hours before the intended departure.

(m) **Reasons That Are Not Valid for Denying Contact** – Children benefit greatly by having good relationships with both parents. Time with each parent is the child’s right. Reasons that are not valid for denying contact include the following:

- i) The child is sick (unless the other parent is provided with the specific nature of the illness and is given opportunity to see the child).
- ii) The child has to go somewhere else.
- iii) The child is not home.

- iv) The other parent is behind in their child support obligations.
- v) The child wants to stay home.
- vi) The parent does not want the child to go.
- vii) The weather is bad.
- viii) The child has no clothes to wear.

(n) **Address, Telephone Numbers and Email Address** - Each of the parties shall deliver to the other the address, telephone number, and email address where he or she can be located in the event of an emergency relating to their child(ren), and shall keep the other party reasonably advised as to the whereabouts of their child(ren).

(o) **Mail Contact** – The parent with whom the child(ren) is not then with and the minor child should have unlimited ability to contact each other by use of either regular US Mail, or email, if such an account is available.

(p) **Negative Comments and Adult Conversations** – Neither parent shall speak negatively about the other parent to the minor child(ren) or in any manner where the child(ren) may hear the same, including but not limited to: cursing, using foul language, name calling, physical intimidation, and/or threats (either verbal or physical). Neither parent shall speak about the facts and/or status of this case to the minor child(ren) or in any manner where the child(ren) may hear the same.

Neither parent shall allow any third party to speak negatively about the other parent to the minor child(ren) or in any manner where the child(ren) may hear the same, including but not limited

to: cursing, using foul language, name calling, physical intimidation, and/or threats (either verbal or physical). Neither parent shall allow any third party to speak about the facts and/or status of this case to the minor child(ren) or in any manner where the child(ren) may hear the same.

(q) **Moving Residence of Child** – Each parent shall provide the other written notice by restricted mail, return receipt requested, at his or her last known address not less than thirty (30) days prior to changing the residence of their child or removing their child from the State of Kansas for a period of time in excess of ninety (90) days, as required by K.S.A. 23-3222.

(r) **Problem Solving and Dispute Resolution** – When disagreements occur regarding arrangements for the child(ren), both parents shall make every effort to openly discuss option to resolve disputes and solve problems.

In the event a dispute arises regarding legal custody or parenting time the parties shall attempt mediation prior to petitioning the Court for relief. In the event they cannot agree upon a mediator, the parties shall use Johnson County Family Court Services for such purpose.

(s) **Duration and Modification** - The parties recognize and agree that any provisions relating to a minor child are subject to further Order of the Court and may be altered by any Court of competent jurisdiction to address changes in circumstances or changes in the law.

2. **MISCELLANEOUS PROVISIONS:**

(a) **Agreement Absolute** - This agreement is absolute and irrevocable. This Agreement supersedes all previous contracts, agreements and/or understandings of the parties, whether oral or

written, and that it shall be considered to be contractual between them and binding as such upon the parties and their successors. The provisions of this Agreement shall not be modified except by a written, signed and dated Agreement of the parties or by future Order of the Court.

(b) **Free Will Exercised** - Each of the parties acknowledges that this agreement, as to each of its provisions, has been made of his or her free will and volition and further acknowledges that no coercion, force, pressure or undue influence has been used or exerted by or against the other party. Each party acknowledges that this agreement is fair, valid, just and equitable, and that it represents a compromise of the respective rights of the parties which each party has carefully considered and accepted. No other promises or representations have been made except as set forth in this document.

(c) **Independent Counsel** - This is a legal and binding contract, and each party acknowledges that it has been read and understood before signing. The parties declare that each has had the independent advice of his or her own counsel or has voluntarily chosen not to employ such counsel.

(d) **Drafting of Agreement** – The parties agree that this document was drafted with equal input from each of them and/or their respective counsel. As such, any error, mistake, omission, or vague and/or ambiguous language contained herein should not be held against any particular party, regardless of who actually drafted the same.

(e) **Severability** – If any provision of this Agreement shall be held to be contrary to public policy or otherwise unenforceable by a Court of competent jurisdiction, such finding shall

not invalidate any other provision of this Agreement.

(f) **Modification of Agreement** - No modification or waiver of any of the terms of this Agreement shall be valid unless made in writing, signed by both parties and formally acknowledged.

(g) **Waiver of Breach** – Any waiver of a breach of this Agreement shall not be deemed to be a waiver of any subsequent breach.

(h) **Waiver of Appeal** - Each of the parties waives the right of appeal of a judgment which may be granted in any action in which this Agreement is submitted to the Court and approved in its entirety. This waiver includes the waiver of the right to appeal a decision of the court finding this Agreement to be fair, valid, just and equitable, and also includes the waiver of the right to seek relief pursuant to K.S.A. 60-259 or 60-260.

(i) **Enforcement Expenses** - In the event that a party hereto fails to perform as required by the terms of this Agreement, and it becomes necessary for the other party to institute legal proceedings to enforce his or her rights hereunder, it is agreed that the party in default shall pay all expenses, including reasonable legal expenses, of such enforcement proceedings.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year indicated herein.

“Petitioner”

“Respondent”

STATE OF KANSAS

ss.

COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____.

Notary Public

STATE OF KANSAS

ss.

COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____.

Notary Public

Johnson County Bar Association
Family Law Bench-Bar Committee
Parenting Guidelines – 2022

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