

RULE 19.0
PARENTING TIMES

19.1 **Preface.** Children require the continued and regular involvement of both parents despite the termination of the marriage or relationship. No standard schedule will meet the needs of every parent child relationship and therefore the Court encourages parties to submit agreements of parenting times which will meet their specific circumstances.

It is only when the parents cannot agree that the Court will require the standard parenting time schedule to be used. Where a disagreement forces the use of the standard parenting time schedule the probability that the children will be exposed to a conflict between their parents sharply increases.

19.2 **Precautions.** Terminations of relationships naturally stir up emotions and if children are involved it compounds the matter. Some parents need reminding that times where children are physically transferred from one parent to another are NOT opportunities for any type of detrimental language or behavior. It is unfortunate to include in these parenting time schedules warnings that **A DENIAL OF PARENTAL TIME RIGHTS OF EITHER PARENT COULD RESULT IN FINES AND INCARCERATION.**

19.3 **Third Parties.** While it may be necessary or desirable to have other parties to be with a parent during an exchange time, those individuals should be specifically cautioned that any disruptive act or commentary initiated by them could be found to be interference and result in punishment by the Court.

19.4 **Types of Parenting Times.** Careful consideration has been given to fostering parenting time after the parents termination of their relationship. The frequency of contact depends on a large number of factors but one of the most significant factors is distance between the respective homes of the parents. The Court has divided these distances into three categories: local, regional and long distance.

Despite these division the primary goal is to maintain parental involvement between the non-residential parent and the child(ren). Optimistically, the parties would establish as much flexibility as possible to accommodate each other. However, where that is not possible, these schedules provide for minimal parental contact. For the best interest of the child(ren), parents should attempt to establish additional parenting times for the non-residential parent.

19.41 **Local.** The following schedule is applicable to those situations where the parties live relatively near to each other, (i.e., one way driving distance of about 45 minutes).

19.411 **Regular Parenting Time.** Alternate weekends from Friday, 6:00 P.M. to Sunday, 6:00 P.M. However if the preceding Friday or the following Monday of that weekend is a holiday during which the non-residential parent is scheduled to have parenting time with the child, then the parenting time will be expanded to include the holiday by beginning Thursday evening at 6:00 P.M. (if Friday is the holiday) or shall extend through Monday to 6:00 P.M. (if Monday is the holiday).

In addition to weekend parenting time, the child(ren) shall spend a minimum of one (1) day each week with the nonresidential parent as follows:

For a child not yet in mandatory education, 5:00 P.M., to 7:30 P.M.

For a child in grades kindergarten - 8th grade, 5:00 P.M., to 8:00 P.M.

For a high school student, 5:00 P.M., to 9:00 P.M.

If there is more than one (1) child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day for the non-residential parent shall be Wednesday. If a child is in a child care arrangement, the nonresidential parent may not pick the child from the caretaker unless ordered by the Court or with the permission of the residential parent, preferably in writing. The normal school activities will not be ignored by the non-residential parent during this midweek time. The non-residential parent shall provide the child(ren) with dinner and will take them to various scheduled activities. The child(ren)'s school work takes precedence over all other activities.

19.412 **Holidays.** For the following listed holidays, the parenting times shall be:

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| (1) Martin Luther King Day | (2) President's Day |
| (3) Easter or Passover | (4) Memorial Day |
| (5) July 4th | (6) Veteran's Day |
| (7) Labor Day | (8) Thanksgiving Day |

For the years ending with an odd number, the non-residential parenting time shall be on the above odd numbered holidays. For the years ending with an even number, the non-residential parenting time shall be on the above even numbered holidays. The parenting time shall be from 6:00 P.M. the day before the holiday to 6:00 P.M. of the holiday except that with notice to the other parent, the July 4th return may be delayed until the following morning at 9:00 A.M. However, where a nonresidential parent's work schedule would not permit this schedule, the holiday schedule will be restricted to the hours the nonresidential parent can actually spend with the child(ren) between 9:30 A.M. to 8:30 P.M. (except July 4th as noted above) unless notice is given that the child(ren) will be staying with grandparents during that holiday. Holidays shall take precedence over regular weekend parenting time.

Where the minor child(ren) are permitted to participate in Beggar's Night during Halloween years ending with an odd number shall be with the non-residential parent and years ending with an even number shall be with the residential parent.

19.413 **Days of Special Meaning.** Mother's Day shall always be with the children's mother and Father's Day shall always be with the children's father, **regardless of the weekend parenting time schedule.** If the parties can't agree, the times shall be 9:30 A.M. to 6:00 P.M. The child(ren)'s birthdays shall always be with the mother in years ending with even numbers and always with the father in years ending with odd numbers. The non-residential parent must provide one week's notice of the intent to spend time with child on the child's birthday. If the parties cannot agree, the time shall be 10:00 A.M. to 7:00 P.M. if the birthday falls on a non-school day for the child and a non-working day for the designated parent. If it is the child's school day or the designated parent's work day, the time shall be 5:00 P.M. to 8:00 P.M. The child(ren)'s birthday schedules take precedent over **all** other designated parenting times. Brothers and sisters shall be permitted to attend the birthday event.

The child(ren) shall be with the mother on the mother's birthday and with the father on the father's birthday. Where the parents birthdays are the same day, the children shall be with the mother on even numbered years and with the father on the odd numbered years. If the parties

cannot agree on the hours, it shall be the beginning and ending times as noted for children's birthdays.

19.414 Extended Holiday Periods. There are certain holiday periods where school age children receive additional time off from school during spring breaks, Thanksgiving and Christmas. While these periods are of special importance to both parents, they provide an added opportunity for non-residential parents to have contact with their children since generally their times with the children are far less than times with the residential parent. This, however, should not be taken as preferential treatment to the nonresidential parent. With that in mind, the Court provides the non-residential parent with a choice of the following two parental contact options.

OPTION 1

For the years ending in even numbers, the non-residential parent shall have parenting time:

- (1) Thanksgiving break: Wednesday after school to Sunday 6:00 P.M.
- (2) Christmas break: Christmas Day (or Hanukkah) noon to 6:00 P.M. of the last day before school resumes.

For the years ending in odd numbers, the non-residential parent shall have parenting time:

- (1) Spring break: 6:00 P.M. the first Saturday of the break through 6:00 P.M. of the last day before vacation ends;
- (2) Christmas break: first day of vacation to Christmas Day (or Hanukkah) at noon.

OPTION 2

For the years ending in even numbers, the non-residential parent shall have parenting time on Christmas Day (or Hanukkah) noon to 8:30 P.M. and New Year's Eve 6:00 P.M. to 6:00 P.M. New Year's Day. For the years ending in odd numbers, the non-residential parent shall have parenting time from 6:00 P.M. December 24th to noon Christmas Day (or Hanukkah). Since Christmas breaks overlap into the following year, the parenting times should be exercised as if the entire period occurred within the year the period started irrespective of when the period ends.

19.415 Notice. The non-residential parent must contact the residential parent as to which option will be exercised thirty days prior to the first parenting time day. The Court has provided the non-residential parent with these options with the intent to provide an opportunity for quality time with the children. Therefore, the selection of either option should be made, with the expectation of having as much quality time with the children as is possible.

19.416 Applicability. Although the options are designed for school age children, they shall be applicable to non-school age children as well.

19.417 Summer Vacations. In addition to the regular parenting times, the non-residential parent shall have the opportunity to have the child(ren) for five weeks during the scholastic summer vacation which may be exercised in consecutive days no less than 7 days or no greater than 22 days unless the parties mutually agree otherwise. The non-residential parent may elect to delegate a portion of the five weeks to a close relative. However these periods should be quality time and it would be anticipated that the majority of these times would be with the nonresidential parent while the non-residential parent is off work.

The non-residential parents choice of these five weeks has priority over the residential parent's choice except (1) the residential parent's vacation is an annual mandatory shut-down of that party's employer, (2) the times must allow one uninterrupted period of 15 days (normally Friday evening through the following Sunday) for the residential parent and (3) written notice must be provided to the residential parent no later than April 15th (it will be the obligation of the nonresidential parent to confirm that the residential parent has received the written notice).

19.418 Vacation trips. There are occasions where the parents may schedule vacation trips away from home. Note: A vacation trip is not where the home is used as a base for one to three day excursions. As a part of the non-residential parent's summer schedule, a non-residential parent may arrange an uninterrupted trip with the child(ren) of not more than 22 days (if it is more than 15 days, the non-residential parent **must** provide the residential parent a period of equal uninterrupted time during the same summer). A general itinerary of **all** trips must be exchanged between the parents well in advance of the starting date of the trip. An itinerary shall include dates, locations, addresses, and phone numbers. Written notice of all trips is essential and must be provided to the other party as soon as possible but no later than April 15th of each year.

19.419 Other Conditions. The following conditions apply with respect to vacation trips.

1. The trips must be planned during the times the children are scheduled to be with that party (i.e., where a non-residential parent has provided notice on or before April 15th, the residential parent cannot plan a trip during any of those designated five weeks).
2. Where no notice has been confirmed by April 15th, either party may provide the other with notice of a planned trip and where the times conflict, the written notice sent first shall have priority.
3. After trip dates are established, the remaining portion of the non-residential parent's summer schedule shall be set.
4. Where the residential parent's uninterrupted time causes a loss of any parenting times for the non-residential parent, the lost times shall be made up with the next available non-holiday or non-special day weekend even if it results in consecutive weekends with the non-residential parent.
5. Scheduled trips shall take precedent over other parenting times. However where a trip is scheduled through a holiday or a day of special meaning which would deprive a parent of their normally scheduled time for that day, the parent losing those times shall be awarded those times for two consecutive years and cannot be changed unless mutually agreed in writing.
6. No parent shall attempt to schedule any vacation time or trip in two consecutive years which would effectively deprive the other parent of a special day or holiday two years in a row.

19.42 Regional. Where the parties reside from over 45 minutes driving distance (one way) to approximately 2 ½ hours driving distance (one way) the parenting time schedule shall be the same as the Local schedule rule (19.41) except that the week day contact is deleted.

19.43 Long Distance. The intent of long distance parenting time is the same as when the parties are located reasonably close to one another and that is to maintain contact between the child(ren) and the nonresidential parent. Both parties are encouraged to be as flexible as possible concerning the non-residential parenting time, but the following is for minimal contact for the child(ren) and the nonresidential parent.

19.431 Extended Holiday Periods. The non-residential parent shall have parenting time for the years ending in even numbers:

- (A) Thanksgiving: From 6:00 P.M. Wednesday (before Thanksgiving Day) to Sunday, 6:00 P.M.

(B) Christmas: From noon Christmas Day to 6:00 P.M. of the day before school starts.

For the years ending in odd numbers:

(A) Spring Break: From 6:00 P.M. of the first Saturday to 6:00 P.M. of the day before school starts.

(B) Christmas: From 6:00 P.M. of the last day of school to noon Christmas Day.

19.432 Summer Vacations and Trips. The non-residential parent shall have up to six weeks of summer parenting time. The terms and conditions for scheduling summer times and trips are the same as those found in rules 19.417, 19.418 and 19.419 noted above.

19.433 Additional Vacation Times. The non-residential parent may exercise additional parenting time with the child(ren) as follows:

(A) Where the travel time does not involve more than five hours (round trip), the non-residential parent may exercise parenting time for a three day weekend including a holiday designated for a non-residential parent under Rule 19.412 beginning at 4:30 P.M. the day before the first day of the three day weekend to 9:30 P.M. of the last day of the three day weekend. The non-residential parent shall be responsible for the transportation costs. The nonresidential parent must provide a thirty day notice of intent to exercise this parenting time.

(B) If the non-residential parent elects to travel to the area where the child(ren) normally resides, the non-residential parent may exercise parenting time pursuant to Rule 19.413 except the following times would apply:

(1) Mother's/Father's Day: 1:00 P.M. to 5:00 P.M.;

(2) Non-residential Parent's Birthday: 1:00 P.M. to 5:00 P.M. (non-school days), 6:00 P.M. to 8:30 P.M. (school days); (if both parents have same birthdate, they are to alternate the years, i.e., as noted in Rule 19.413).

(3) Children's Birthday: 1:00 P.M. to 5:00 P.M. (non-school days), 6:00 P.M. to 8:30 P.M. (school days). If the non-residential parent intends to exercise this additional parenting time, seven (7) days notice must be given to the residential parent. Unless the order or decree specifies otherwise, the non-residential parent shall be responsible for the costs of transportation.

19.5 Cancellation and/or Changes. Any parenting time cancellations shall require a minimum 24 hour notice except in emergencies where a non-residential parent cancels, there will be no make up unless by mutual agreement of the parties. Where the non-residential parent is forced to cancel any parenting time contacts, the non-residential parent may telephone the child and speak to the child for 15 minutes during that first day.

19.6 Illness. Where child(ren) illness may cause a cancellation of any parenting time, 24 hour notice is required to the nonresidential parent. All canceled parenting time due to illnesses shall be made up at the first available weekend that does not include any holidays or special days.

19.7 Ages of Twelve or Higher. It is recognized that as children mature, they become more and more involved in activities with their peers. To that extent, children 12 or older may suggest (not dictate) alternative parenting times. **However it is the absolute affirmative duty of the residential parent to make certain that the parenting time schedule in the court order is followed. Similarly, a non-residential parent who continuously neglects to maintain parental contact with their child(ren) may have those rights modified or be subjected to other remedies.**

19.8 Telephone. The non-residential parent shall be entitled to telephone each child(ren) twice (2) per week, not to exceed 15 minutes with each child; if there is more than one (1) child. If there is only one (1) child involved the time period is 20 minutes. The non-residential parent shall choose the time and day that the calls will be made. The Court encourages cooperation of both parents in setting this time, schedule. Where the child(ren) is not available for the call the residential parent must provide a new time within 24 hours when the child will be available. The other parent shall not participate in such calls.