

November 15, 2015

ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

LOCAL PARENTING TIME SCHEDULE

**COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

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

PARENTING TIME FOR THE NON-RESIDENTIAL/CUSTODIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (*these are the most important words*). This shall not normally be less than:

1. Weekends

Beginning on a specific date (_____), every other weekend from Friday night at 7 p.m. to Sunday night at 7 p.m.

2. Mid-week

In addition, the child(ren) shall spend a minimum of one weekday parenting time as follows:

For a child not yet in Kindergarten, 5 p.m. to 7 p.m.
For a child in Kindergarten - 8th grade, 5 p.m. to 8 p.m.
For a high school student, 5 p.m. to 9 p.m.

If there is more than one 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 mid-week parenting time is Wednesday.

3. Holidays

NOTE: Holidays take priority over ANY other parenting time, including routine (weekends and mid-weeks), birthdays, school breaks, and vacations.

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

	<u>Even-numbered Years</u>	<u>Odd-numbered Years</u>	<u>As agreed, OR</u>
Easter	Father	Mother	Sun. 10 a.m.- 7 p.m.
Mother's Day	Mother	Mother	Sun. 10 a.m. – 7 p.m.
Memorial Day	Mother	Father	Sun. 7 p.m. - Mon. 8 p.m.
Father's Day	Father	Father	Sun. 10 a.m. – 7 p.m.
July 4 th	Father	Mother	7/4, 9 a.m. - 7/5, 9 a.m.
Labor Day	Mother	Father	Sun. 7 p.m. - Mon. 8 p.m.
Halloween	Mother	Father	Day/Time per parent's neighborhood
Thanksgiving	Father	Mother	Thur. 9 a.m. - Fri. 9 a.m.
Christmas Eve	Mother	Father	12/23, 9 p.m. - 12/24, 10 p.m.
Christmas Day	Father	Mother	12/24, 10 p.m. - 12/25, 9 p.m.
New Year's Eve/Day	Mother	Father	12/31, 5 p.m. - 1/1, 9 p.m.

4. Birthdays and Other Days of Special Meaning

- a. Child's Birthday: The child's birthday shall be spent with Mother in the even-numbered years, and with Father in the odd-numbered years. If the parties cannot agree, the time is 10 a.m. to 8 p.m. for a child not in school on the birthday, and 5 p.m. to 8 p.m. for a child in school on the birthday. Siblings should attend the birthday event. The other parent can celebrate on another date.
- b. Parent's Birthday: Each parent may have the child(ren) on his/her birthday. If the parties cannot agree, the time is 10 a.m. to 8 p.m. for children not in school on the birthday, and 5 p.m. to 8 p.m. for children in school on the birthday.

If a child's birthday and a parent's birthday fall on the same day (or if both parents have the same birthday), parties should abide by the schedule for the child's birthday.

- c. **The Court recognizes that parties' traditions, culture, and religion may impact parenting times. These other days of special meaning, family traditions, 3-day weekends, etc., should be discussed in advance and written into the Court order.**

5. School Breaks

NOTE: The schedule for Winter Break coincides with the holiday schedule for Christmas Eve/Day and New Year's Eve/Day. The schedule for Spring Break *usually* coincides with the holiday schedule for Easter.

- a. In the even-numbered years, Father shall have the entire Spring Break. In the odd-numbered years, Mother shall have the entire Spring Break.
- b. In the even-numbered years, Mother shall have Winter Break until December 24 at 10 p.m. Father shall have from December 24 at 10 p.m. until the end of the break. In the odd-numbered years, Father shall have Winter Break until December 24 at 10 p.m. Mother shall have from December 24 at 10 p.m. to the end of the break.
- c. The break begins at 7 p.m. on the last day of school before the break and ends at 7 p.m. the night before school resumes. It is understood that not all the schools of children in the same family will necessarily have the same break.
- d. Children not yet in mandatory education (Kindergarten) do not follow the break schedule unless they have older, school-aged siblings who will be going for the break.

6. Vacation

- a. Each parent is entitled to four (4) weeks of vacation each year (in addition to school breaks and holidays.) Each must notify the other sixty (60) days in advance of the scheduled vacation. Note: This shall only apply if your Court order does not already specify a summer parenting time schedule. In the event both parties, using proper advance notice, request the same dates, the non-residential parent's choice of vacation has priority [unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty days' notice of intent to take a vacation and the non-residential parent has no similar requirement. If both parents have mandatory shut-downs which overlap, they should split the vacation time equally.]
- b. Vacation may be exercised during the school year provided the vacationing parent 1) can get the child(ren) to school or 2) can ensure that the children's attendance/academic requirements are met.
- c. Summer school necessary for the child to pass to the next grade must be attended. Vacation may be scheduled by either parent during a mandatory summer school period, but the child must complete all classes.
- d. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel as soon as it is known, but at least two (2) weeks in advance, if the vacation will be outside the parent's community.
- e. Only weekends may be made up if missed due to the other parent's vacation. Make-up time should be exercised within thirty (30) days, at a time agreed upon by the parties or, if there is no agreement, on a weekend chosen by the parent receiving the make-up time.

7. Parenting Time Presumptions

a. Basis for Schedule

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout their life for nurturing, continuity, normal development, and emotional and economic support; and that the father and mother each respects the right of the other to parent their child(ren).

During and after a divorce, there is often a crisis period in which families are under great stress because of loss, conflict, and change. Mental health professionals uniformly agree that the children who “do best” are from families who maintain a low level of conflict and an appropriate level of co-parenting communication. The absence of conflict is even more critical than the amount of time either parent spends with the child. However, children feel most loved and clearly benefit from continued *positive* relationships with both parents.

For any schedule to succeed, parents should be flexible based upon the changing needs of the child over the years.

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Parenting Time

Children of divorce grow up to be as normal and healthy as children whose parents are not divorced if the parents communicate well, if both parents continue regular contact with the child(ren), and if both parents avoid the use of anger in front of the child(ren) when dealing with each other.

It is normal when parents first separate for a child to have a strong emotional reaction at exchange times saying good-bye to one parent. Parents need to know that the emotional response is quite natural, and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary.

If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation by calmly talking to the child as to the child's reasons, to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or Court counselor or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME.

d. Making Parenting Time a Routine

This schedule presumes that the non-residential parent shall be there for all scheduled parenting time (i.e., Weekends, Mid-weeks, Holidays, Birthdays/Other Days of Special Meaning, and School Breaks) and that no advance notice to the residential parent is necessary (except for Vacation). The residential parent shall have the child(ren) ready to go.

e. Missing Parenting Time

The non-residential parent must give notice of intent NOT to have parenting time as soon as he or she is aware that it is not possible. A parent who does not exercise parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified and may be subject to other legal remedies upon motion by the residential parent.

f. Make-up Time for Rescheduled Parenting Time

A parent may only cancel the other parent's parenting time as specified under the Vacation section of this schedule. However, if the parties agree to modify the schedule to accommodate an extenuating circumstance, make-up time should be given/taken within thirty (30) days at a time agreed upon by the parties or, if there is no agreement, at a time chosen by the parent receiving the make-up time.

g. Transportation

Each parent shall be responsible for providing the transportation at the BEGINNING of his/her parenting time. If unavailable, that parent must arrange for another licensed driver well-known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

Unless otherwise ordered, the parent ENDING his/her parenting time must have the child(ren) available for pick-up at his/her home or at the daycare or child care provider's home. If the child(ren) is at school or a regularly scheduled activity at the time of pick-up, the parent BEGINNING parenting time shall pick up the child(ren) from the school or activity. The residential parent is responsible for making the necessary notifications and signing any necessary permission slips/releases related to the pick-up or drop-off.

h. Promptness

This schedule presumes that each parent will be prompt for exchanges of the child(ren), and that the parents will ready the child(ren) emotionally and physically for the parenting time. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that s/he will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the parenting time. A parent who has a pattern of lateness may have rights modified.

i. Communication between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about the schedule or about future events or activities which conflict with allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty communicating about the needs of their child(ren), they should seek assistance from a neutral third party or a professional and not enlist the child to resolve their inability to talk to one another.

When Parents Do Not Communicate With Each Other

Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve the ability to work together for the child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

j. Communication between Parent and Child

Each parent has the right to talk over the telephone with the child(ren) as often as the parents agree. If the parents do not agree, then the non-possessory parent should have telephone privileges once per day. Phone calls should take place during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call.

Note that due to ongoing, rapid changes in technology (i.e., text messaging, email, Skype, Facebook, Twitter, other social media/networking sites, etc.), not every conceivable situation can be anticipated or addressed. However, the Court strongly recommends parents consider the age and maturity of their child(ren) and cooperate to make joint decisions regarding the purchasing and use of cell phones and any other technology which may affect communication between a parent and a child. Any likely areas of dispute should be discussed in advance and written into the Court order.

Regarding discipline, a parent may rescind the use of a child's cell phone or other technology as a form of discipline without violating a Court order. However, this shall not interfere with the child's regular communication with the other parent.

k. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law and consistent with each other as much as possible, and will communicate with each other if a child is becoming a discipline problem.

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

l. Child's Records

1. Both parents are entitled by law to equal access to their children's daycare, school, and medical records unless limited by Court order.
2. The residential parent is responsible for taking all necessary action for all record keeping purposes to use the child's birth or adopted name only.
3. School records: The residential parent must list the non-residential parent as a parent of the child and as an emergency contact for the child (unless limited by Court order), and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent also must provide the non-residential parent with any and all passwords necessary to access the child's academic and extracurricular information online. If the non-residential parent is unable to access the information directly, the residential parent is responsible to personally provide copies of every grade card within five (5) days of receipt, and must personally inform the non-residential parent of all school notices or special activities (i.e., parent-teacher conferences, honors programs, athletic events, school pictures, graduation events, or any other activity in which the child is involved) as soon as s/he receives notice. The child should not be used to deliver the information.
4. Medical records/consultation: The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child.

m. Illness or Injury of a Child

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. There is a presumption that a child will go for parenting time even if ill unless the parties agree otherwise. The residential parent MUST provide written instructions and sufficient medication to last during the parenting time. Additionally, any allergy or chronic condition suffered by a child also must be communicated in writing from the residential to the non-residential parent, including specifics regarding medication or treatment recommended for the illness or condition. The non-residential parent must care for the child as directed, discussing with the residential parent if the child's condition worsens or does not improve as might reasonably be expected.

If the parents agree to cancel the parenting time due to the child's illness or injury, then the time must be made up within thirty (30) days to the non-residential parent at a time agreed upon by the parties or, if there is no agreement, at a time chosen by the non-residential parent. If another child is also scheduled to have parenting time, then the regular schedule must go on with that child.

n. Schoolwork

A parent must provide time for any child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the other parent of the work to be done, and it must be completed.

o. Children's Activities

Scheduled parenting time periods shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child in advance, including time, dates, and transportation needs, so that the child is not deprived of activities and maintaining their friends. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child's activities. If the scheduling of activities is not under the control of either parent, both parents will be expected to take the child(ren) to or arrange transportation for activities occurring during their parenting time. Each parent is entitled by law to equal access to the activities of their child(ren), unless limited by Court order.

p. Clothing

The residential parent is responsible for providing sufficient, appropriate, clean clothing, based on the lifestyle of the residential parent and child. If the planned activities during parenting time require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time.

q. Address and Telephone Numbers

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.

r. Moving

Either parent must notify the other, and the residential parent must also notify the Court, at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local parenting time schedule applies. If the parents are more than 150 miles apart after the move, the long distance parenting time schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

If the residential parent moves or gives notice of intent to move the child away from the area, the non-residential parent may file a motion objecting to the move and the Court will address the issue.

s. Parents' Work Schedules

This schedule presumes that the parents are available for full weekends and mid-week parenting time. If the non-residential parent is regularly employed every weekend and chooses not to exercise parenting time on the weekend, the parents should agree in advance about the days and times for parenting time. If the parties cannot agree, either may wish to consult with the Court counselor or file a motion.

t. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new traditions will develop. It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins, and any other family members during such times as they are with their parents.

u. Step-parent's Name

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

v. Newborn Child(ren)

This schedule might not apply to a newborn or very young child whose sense of time differs from an older child. A newborn needs briefer, more frequent contact with a parent not living in the same household than this schedule specifies. Parents need to exercise more flexibility in scheduling times for a newborn and very young child, and may need to consult with the child's physician and/or Court counselor in the event they do not agree.

w. Teenagers

A regular routine of parenting time may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends, as parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend more time with friends or in organized activities and less time with each parent, especially on weekends and during the summer. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits, it is advisable to consider the teenager's wishes, as long as the parents agree. If the parents are unable to resolve scheduling conflicts, they may wish to consult with a Court counselor or file a motion.

x. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. Note that a parent may not deny parenting time because the other parent does not pay child support or refuse to pay child support because the other parent denies parenting time.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court. The first penalty is a fine not to exceed \$250 and a jail sentence not to exceed thirty (30) days, the second penalty is a fine not to exceed \$500 and a jail sentence not to exceed sixty (60) days, the third penalty is a fine not to exceed \$1000 and a jail sentence not to exceed ninety (90) days. The Court may also assess attorney fees and Court costs. Other remedies available may include an order for make-up parenting time, an order for the reimbursement of transportation costs, an order for the appointment of (and payment for) a Guardian Ad Litem for the minor child, etc.

y. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI

JUDGE LISA D. McGOWAN

GLOSSARY

"Curb-side Exchange" - a legal term always written specifically into the Court order. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren), the residential parent must remain inside the home, and there must be no communication during the exchange of the parents' child(ren). The process of curb-side exchange means the non-residential parent (at the specified parenting time) parks in front of the residential parent's residence and honks the horn to notify the residential parent to send the child(ren) to the non-residential parent's car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well-known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the parenting time, the non-residential parent parks in front of the residential parent's home, honks the horn to signal that the child(ren) are returning, and watches the child(ren) return to the residence.

"Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) without any legal restriction except as to time. Court-imposed. Restrictions to parenting time are always written specifically into the Court order.

"Supervised Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place, and neutral party who is always present with the child during the parenting time.