

# **Creating a Successful Parenting Plan**

**New Edition**

**A Step-by-Step Guide  
For The Care of  
Children of Divided Families**

**by**

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A Breakthrough Parenting<sup>®</sup> Book

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*This book is dedicated to  
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The information in this book is informative only. It is not a substitute for legal advice. It is important that you seek independent legal representation for your case. Do not consider this book to be a substitute for your own personal attorney.

## INTRODUCTION

Divorce is the dissolution of the legal contract between a married couple. It means the transforming of a family, not the ending of the family. When parents separate, their family isn't broken. Children still have parents. Parents still have children. Everyone still needs each other. Instead of thinking of the family as being broken, it is better to think of the family as reorganizing. How parents handle the changes that occur in reorganizing will have a direct effect on how well the children and parents fare after the separation. While change is often difficult, it doesn't have to be destructive.

Planning for a child means looking ahead to the obvious changes that will occur. What schools will your child attend? Do you need to make arrangements for them now? Are you saving money for the child's advanced education? Do you have life insurance in place to make sure that the child is supported if the primary income earner is no longer there? What special opportunities to enrich your child's life would you like to make available?

When a child's parents live together, this type of planning takes place in the natural course of events. Obviously, it is responsible to address pending issues ahead of time so that arrangements can be made. When parents separate, a

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detailed parenting plan becomes an absolute necessity. By carefully planning how they will share the responsibility for their child's life, parents can avoid future misunderstandings and conflict. A well thought-out, solid parenting plan developed early in the separation process will go a long way to in reducing conflict down the road.

A good plan becomes a living blueprint that both parents can follow, change when needed and use as a point of reference when they have differences of opinion. A well-developed plan also serves as a tiebreaker when parents disagree and thus reduces conflict and improves the chances of increasing happiness for everyone involved. The parenting plan is a document that can be revised and brought up to date as the children grow and as other family changes need to be addressed.

This book will help you plan how to care for your child after the reorganization of your family. Who will make what decisions? How will you share time with your child? How can you balance your timeshare and still allow your child to participate in life-enhancing activities? How will your child's emotional, spiritual, physical, educational, medical and social needs be met? How will your child's expenses be paid and by whom? A well thought-out parenting plan will help you figure out who is going to do what and when in caring for your child.

One result of careful planning is fewer mistakes. The parenting plan enhances understanding between a child's parents and encourages discussion. It is a baseline that you can use to document your understandings. It keeps you – not a stranger – in the position of making decisions about your child's life.

Sometimes it is tempting to turn over difficult decisions to someone else, to somebody who is an "authority." However, the overwhelming consensus of people who have experienced having someone else decide how to care for their child is that it is a recipe for disaster. No one else loves or understands your child like you do. A person who is a perfect stranger to you and your family will never be able to figure out things better than you can.

Feelings of anger and hurt can be overwhelming. These feelings are normal; however, when acted upon negatively they can be devastating to everyone, especially to a child. No one wants this. It is too painful.

In time people resolve unhappy feelings, but during the transition period the possibility of making damaging choices is very real.

***A parenting plan helps you stay focused on your child and his or her best interest, rather than on runaway feelings about the other parent.***

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This is a time in your life when it is usually better not to go the distance alone. You don't have to figure out everything by yourself; there are excellent advisors who can assist you. You may need the services of a counselor, mediator, lawyer, evaluator or judge in order to help you and the other parent make informed decisions in working out a solid parenting plan.

***When you have completed the work in this book, choices that at first seemed overwhelming can fall into place rapidly. You will be able to more clearly communicate your ideas about what is best for your child when you have figured things out in advance.***

In this book you will also find several techniques that you might not have thought of, for example, the value of using a logbook to provide continuity in the child's life as he or she moves from one home to another.

The most critical factor in a child's adjustment to the separation and to successful future development is the parents' ability to either resolve or put aside their differences and to focus on what is in their child's best interest. When parents are able to resolve their differences by getting what has been called an "emotional divorce," they are more able to be flexible regarding how time with the child is shared.

***As you design your plan, you'll also learn how to create consistency and predictability in your child's reorganized family. It is in this way that your child will be able to adjust to the family changes and do well. Research of divided families has shown that children can be as healthy and socially well-adjusted as children from families where the parents stay together. This is not likely to be the case, however, if the parents stay angry with each other and engage in prolonged fighting over the child.***

Every family is unique. When you finish, your plan will be individualized to work effectively in your situation while including all of the important people who are involved with your child.

If you have more than one child, you should design a separate plan for each. Every child is an individual in his or her own right. Each child has special needs and gifts and must be thought of separately from brothers and sisters. Once you have created your first parenting plan for one child, it will be much easier to create plans for the rest of your children. As you do each individual plan, think solely of the needs of that particular child.

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Predictable feelings and stages for parents who are separating:

Denial & Isolation ⇒ Anger ⇒ Bargaining ⇒ Depression ⇒ Acceptance

Since parents who are dividing their families often feel very emotional, their ability to communicate with one another may be difficult and strained.

Most parents do well in communicating with a professional who can help them to work out a successful parenting plan. When this is done early in the process of separation, parents are often able to move more quickly through the stage of anger toward the other parent. Parents are able to more quickly focus on what is in the best interest of their children. By setting up a predictable schedule for the children early on, everyone in the family adjusts better to the family reorganization.

Staying open to positive communication can be quite a challenge. It takes time for both parents to work through emotional turmoil. Stick with it! Most parents ultimately arrive at a stage at which they can communicate clearly. Patience and good judgment are required to learn what is appropriate. Parents need to stay cool, calm and logical during this transition period, and input from trusted advisors and professionals often makes this possible. Checking your thinking with others helps keep your thoughts focused on the best possible solution for your situation.

Note:

Throughout this book, “the Court” is used to refer to a judicial officer such as a judge, a commissioner or a magistrate.

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## **STEP 1: MOVING FROM AN INTIMATE TO A BUSINESS RELATIONSHIP**

In most situations when parents separate, their relationship shifts from being one of intimacy to being one of business. An **intimate relationship** is informal, with many assumptions and unspoken and unwritten expectations. An intimate relationship contains a high degree of personal involvement and emotional intensity. People share personal information and secrets and don't expect a lot of privacy. It is very difficult and emotionally upsetting to lose this type of closeness.

It is now better to think of establishing a **business relationship** with your child's other parent. In this new relationship, you will have **explicit** agreements in place. Each parent now needs privacy. Expecting the other parent to disclose personal information about his or her new life is not appropriate. You are moving to a place where there will be little emotional intensity and very few assumptions made about the other person.

When you meet or communicate with each other, you will do better to be disciplined, formal and courteous. In a business relationship, people don't call to "chat." Each interaction is structured with a specific agenda to be discussed. In most circumstances, the only business you will have together after the separation is your child.

In those cases when couples are able to continue on friendly terms throughout the separation process and afterward, they still need to discipline themselves to handle the business of taking care of the child with utmost concern.

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### *The Business Letter*

In the early stages of changing from an intimate to a business relationship, you will have many learning experiences as you achieve a new balance. If communication becomes especially difficult and all attempts to solve problems result in emotionally charged and frustrating efforts, then learn to write business letters to the other parent. Always make your letters courteous and to the point.

The following sample demonstrates a healthy effort to communicate and to keep the other parent informed. Complete communication helps to eliminate confusion about agreements, and also has the effect of calming things down.

If you don't know how to write in this business style, it makes good sense to find someone to help you. That person can help you edit your letters until you get the hang of it. What you want to avoid is any negative emotional content, such as pleading, blaming or put-downs.

*March 7th*

*Dear Mary,*

*This letter is to let you know about my plans to take Sally to see her grandparents during my time on the Spring Break. We will be leaving at 8:30 a.m. on Wednesday, March 15th, and plan to return on Sunday, March 19th, by 9:00 p.m.*

*If you need to reach us, the telephone number there is (212) 555-1296. I will make sure that Sally calls you at the scheduled times – Saturday at 8:00 p.m. and Sunday at 7:00 p.m. I would appreciate your helping her anticipate what a wonderful time she is going to have with her grandparents who are very excited to see her.*

*Regards,  
John*

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## **STEP 2: UNDERSTANDING HOW CHILDREN EXPERIENCE SEPARATION**



Parents and children grow into their roles in relation to the experiences that they have with each other. Theorizing about parenting is very different from the day-to-day reality of working through the responsibilities that come with taking care of a child. Young children especially need to spend time with each parent on a regular basis, so that both parent and child can bond and grow into a healthy relationship.

The foundation of a lifetime is being laid down in the first three years of life. Furthermore, this foundation is made more solid when a child has two caring parents. When these relationships are not allowed to happen early for both parent and child, the possibility of developing strong relationships later is weakened. It is interesting that the more people a child loves, the more the child learns how to love. Having access to both parents in the earliest years has a greater potential in helping the child to grow into a well-socialized, healthy adult.

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Some guides to parent conduct during a divorce are common sense no matter how old a child is. Regardless of whether a child is an infant or a teenager, none of them feel safe when parents lose control of their tempers and argue in front of them.

Children should not be exposed to sudden loud noises such as doors slamming, parental arguing or high degrees of parental stress. They know when there are serious problems, and this greatly disturbs them. When adults are out of control, the child feels that his or her survival is at stake. An argument may quickly blow over between adults, but the child is left shaken and insecure.

Predictability and stability are important for anyone. Regularity of routine helps children adjust to the new family structure. Children don't need rigidity any more than they need "anything goes." Having a fairly regular time to sleep, eat and play is the right thing to do.

### ***Birth to Age Three***

#### *Central Issues to Consider:*

1. A well-constructed parenting plan creates a routine that is reassuring to children as they move from one house to the other. They can easily memorize their new schedule. Most parents have a full set of whatever the child needs at each home. Ideally, a child should be able to also take favorite things from one house to the other. A child deserves to have control over his or her possessions and what is done with them.

Preparing children for transitions and change is vitally important. Having familiar toys, clothes, and other favorite items to take from one house to the other helps with these transitions. Children under the age of three do not easily understand why they have to stop one activity and move to another.

If a child objects to going to the other parent's house, it is most often more about not liking change than it is about not wanting to see the other parent. A fussy child at the time of transition between homes is a continued source of conflict between parents who don't understand this natural phase of life. In this case, reassuring the child is better than grilling him or her about why he or she doesn't want to go.

2. When deciding on caretakers or daycare centers, consider how long this person is likely to be a part of the child's life. For optimal psychological development, children need consistent caretakers. None of us do well if we can't connect with the people we have to depend on.
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3. It is best for both parents to be frequent, predictable parts of the child's life during these years, so that a solid attachment can take place. The ongoing presence of both parents is crucial for facilitating the child's separation-individuation process.
4. If your child is not already in daycare by age three, enrolling the child in a pre-school program can help with his or her socialization. Most children have sufficiently mastered the separation process by age three, and can really benefit from a good pre-school program.

#### *Implications for Parenting Plans*

This is a good time to train yourself as a modern parent. Read books on the development of young children. It is a big help to take a parenting class.

Connect with other parents who have children your child's age. There are numerous activities for young children where parents can meet each other.

#### ***Age Three to Five***

##### *Central Issues to Consider:*

1. Predictability and stability remain in the forefront. Routines need to be as regular as possible, but children are more flexible when plans change.
  2. For some children, transitions are still difficult. Children at this age still need help to anticipate changes.
  3. Every effort needs to be made to allow both parents to establish a warm, nurturing bond with their child. This will make a big difference in how well-adjusted the child is when he or she is older.
  4. Strong identification with a same sex parent takes place as the child begins to establish his or her concept of gender.
  5. Once a child begins pre-school, attendance should be regular (excluding illness). Consistent location of the school or daycare provides security, and allows the child to begin developing and maintaining friendships.
  6. If the child is away from one parent for a week or more, regular telephone contact with that parent is reassuring for the child. Children will worry about whether the parent they aren't seeing is okay.
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*Common Reactions to Separation*

1. An undeveloped capacity to separate reality from fantasy can cause a child's imagination to run wild. Fear can create difficulty with the daily routines that involve separation, i.e. going to school, parents leaving the home, staying with familiar caregivers and even going to sleep at bedtime.
2. Often children will have bizarre fantasies about why one parent has left and the reasons for the parents' separation itself. Due to the child's age-limited intellectual capacity to make sense of reality, the child's beliefs may be distorted. At this age, a child thinks about why things happen only in terms of himself or herself. This is called egocentric thinking.
3. A child at this age is not likely to truly comprehend that the reason for the parents' setting up two homes is because of the parents' need to live apart from each other rather than to live apart from the child.
4. A child may be in denial of the permanence of the family reorganization. Children create multiple fantasies of the reunification of the parents. This may go on even after remarriage by one or both parents.
5. Children at this age may demonstrate increased aggression or an intense suppression of aggression.
6. Children often feel guilt over causing the separation, despite being told that they are not to blame. Sometimes a child can verbalize an understanding that the separation is not his or her fault, and yet still feel responsible for it.
7. A child may demonstrate regression to earlier modes of behavior.
8. Many children exhibit increased neediness with clinging or whining behavior.

*Implications for Parenting Plans*

Arranging play dates with the child's school or daycare friends provides connection with an environment outside of the family. At this age children are beginning to expand their interests to others who are not part of their family.

As parents adjust to their lives in a reorganized family, often parenting becomes easier for them, because living apart from one another, there is less disagreement about parenting styles than when they were together. It is ideal when parents can agree on routines and methods for raising their children, however, most parents will do what they think is best, which may be quite different from the other parent's style of parenting. Each parent needs to be tolerant of the other parent in this regard, unless there is an extreme situation that is not in the best interest of the child.

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### *Age Six to Eleven*

#### *Central Issues to Consider:*

1. Accessibility to friends and extra-curricular activities moves to the forefront. As the children's activities move them away from the home and out into the world, peers become increasingly important. Children are learning important social skills about the give and take of relationships, how to be fair and who is likely to be a good friend and who is not.

Children need both parents as an integral part of their daily lives and activities. Arrangements should be established so that both parents can participate in the child's activities and with the child's friends at both parents' homes. It is important for parents to accommodate the child's need to be with school friends (activities or play dates) on weekends and school holidays.

2. At this age, children are processing how mature (or immature) adults act. Important role modeling is taking place.
3. Predictability and consistency are still important, but children of this age can tolerate more flexibility with plans. Nevertheless, the number of disappointments should be minimal, and the child should still be adequately prepared for changes.
4. A good parenting plan will enable both parents to attend activities such as school events and extra-curricular activities, as well as to share birthdays. The presence of the parents will greatly enhance the child's experience. It is also important to children that their friends see both parents playing a positive part in their lives. It is a good idea to have their friends invited to both homes.

#### *Most Common Reactions to Separation*

1. Children at this age have an increased capacity to understand the meaning of their parents' separation, though the understanding of their parents' needs is still minimal.
  2. There is an increased sense of independence as the child is beginning to transition from the home environment to the larger social structure.
  3. Enormous sadness beyond their coping resources is often experienced. There is more crying and increased perception of the world as filled with all kinds of loss. Small losses, such as toys or items of clothing may be experienced in an exaggerated manner. Often these losses represent to a child the loss of the family unit. It is important that children have a safe outlet for these feelings in order to work through their losses. Avoid blaming the other parent for creating this sadness. Blame only compounds the problem.
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4. Children at this age may experience fear increasing to panic with disorganized behavior and worries about not having enough food, toys or other things perceived as necessary to their survival. Children need continued reassurance that they are okay.
5. A child may worry about the parent whom he or she is not with at the moment and will wonder if the other parent is okay. Freedom to call the missed parent to be reassured is important.
6. A child may suppress anger toward one or both parents and displace anger onto others in his or her world. Very intense anger can serve as a defense against more painful feelings of separation and loss.
7. The youngest in this age group may assume personal responsibility for causing the separation. Fantasies of reconciliation are strongly present.
8. At this age, children are confused when expected to be loyal to one parent at the exclusion of the other. They need to feel safe with both parents. Mature parents will keep the child separate from any negative feelings toward the other parent and from any details about the Court process.
9. A child who has an agenda of bringing his or her parents back together is likely to have a negative reaction to a parent's new romantic partner, whom the child sees as sabotaging his or her efforts. The child's parent has a need to see a potential stepparent as the child's friend; however, this friendship is rarely easily won. The fact that adults like each other does not mean that the child will automatically like this person. A child may not even see himself or herself as safe with this new person.

On the other hand, if a child is more accepting of the separation of his or her parents, he or she will tend to enjoy the parents' new friends. Some children may even go so far as to set up a date for the single parent.

Parents must avoid casual romantic relationships where a child becomes attached to a new person who suddenly leaves the picture. There is no point in subjecting the child to further losses. It is better to date when the children are not around, until you are sure that this is a solid friendship.

10. Clear perception of the family rupture and any parental hostility. Children this age are engaged in a massive struggle to calm themselves and master their conflicts and fears.
  11. Attempts at self-mastery are undermined by feelings of helplessness, loneliness, rejection and loss.
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12. Direct, vigorous action to reunite their parents or do so indirectly by making life miserable for the parent with a new love interest. This can be conscious or unconscious, and the purpose is to affect that parent's return to the original marriage.
13. When parents separate there will be confusion and disruption of the child's individual sense of identity, as identity is still closely tied to the family structure.

*Implications for Parents:*

For your sake and the sake of your child, you need to establish and maintain a business relationship, not an emotional relationship, with the other parent.

Your child should not be drawn into adult conflict. Mature people honor appropriate boundaries and allow their child to freely love and care about both parents. They keep any negative feelings away from the child. It is a serious mistake to use a child as a therapist by telling too much of what is going on between adults. Let your child be a child.

A better choice is to have the two parents' homes within the same school district so that the children's community of friends can overlap. Children are developing a real sense of community. They need to be able to function well outside of the home. Important social skills are being learned at this time.

A predictable schedule is important, however it is beneficial to allow the child spontaneous time with the other parent. When a child has a need to speak to or be with a particular parent, the need should be met.

Sometimes a parent may have to give up regularly scheduled time with a child to accommodate attendance at a party or event or other special time with the other parent. However, schedules cannot continuously change based on a child's or parent's whims of the moment. Balance is the key, and when parents live in a close proximity of one another, these spontaneous needs of the child can often be met with an hour or two of time.

Cooperative parenting means that there is agreement on important rules for the child. Infringement of these rules must result in a consequence determined by one or both parents and implemented in both homes. Consistency prevents children from behaving unacceptably when they know they will be with a parent.

These rules involve central values and behaviors such as the child's treating others with respect, ensuring adequate sleep for the development of the

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child and the child's completing homework. These rules are not pertaining to the smaller issues, such as what type of entertaining activities to engage in, which may understandably differ according to individual parenting interests.

Cooperative parenting means keeping each other informed about pending events in the child's life, such as social events like birthday parties for friends. The use of a logbook is ideal for this. However, if this doesn't work smoothly, parents can request that the school and other organizations keep both parents apprised of school activities and schedules and informed about any difficulty a child may be experiencing. It should not always be up to one parent to inform the other, and it certainly should not be the child's responsibility.

### ***Age Twelve to Eighteen***

#### *Central Issues to Consider*

1. Both parents remain a crucial part of an adolescent's life, but the exercise of timeshare should be as flexible as possible. For younger adolescents some structure to the time with each parent is still recommended, but it is best to involve the adolescent in setting that up. The central task of adolescence is to gradually separate from the parents and reach a responsible independence from them.
2. The world outside the home has become paramount. Many adolescents do not need or want long periods of time with either parent. Parents now provide security and guidance, but are not often seen as people that they should "hang out" with. Earlier agreements about shared time with the child often don't apply to an adolescent. The parenting plan needs to be revised to accommodate this stage of growth. Again, include the adolescent in discussing what would be the best plan now.

Parents should continue to maintain the parent/child relationship and give the child opportunities to talk things over and to ask for help. However, while adolescents are out in the world creating their own lives, it is still essential that both parents provide limits, a secure, predictable home base to return to, involvement in school work and interest in participating in their children's extracurricular activities, such as sports and musical performances.

Remember that the normal development of adolescents living with both biological parents is to become independent of their parents. Adolescence can be a difficult time of letting go for both parents and children. Parenting teens does not necessarily imply spending a lot of time with them.

Separated parents may experience a more intense feeling of being left out, as they see less of their adolescents than do parents who live together.

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3. It is important that both parents support and facilitate contact between the child and the other parent. Having a mother and a father to talk things over with while going through the adolescent stage helps them grow into adulthood on a more solid foundation.

*Common Reactions to Separation*

1. The adolescent may experience a preoccupation with the survival of relationships in general.
  2. Some adolescents may make frantic efforts to restore the original family unit, while others are happy that they are able to spend time with both parents where there is very little conflict.
  3. As the perception of the stability of the parent's relationship changes, adolescents are likely to now know where they can feel grounded, with a solid foundation. Developmental tasks of adolescence may be interfered with. Adolescents need to move out into the world, but also to have the ability to return to a safe place when the world outside becomes stressful.
  4. Adolescent development toward independence can move too quickly or come to a halt.
  5. More than typical adolescent anxiety and fear regarding sex and marriage as a result of the perceived failure of their own parent's marriage.
  6. Mourning for the loss of the family they had prior to the separation. They are also grieving the loss of their childhood.
  7. Despite their more realistic ability to understand the issues motivating the separation, they are still often angry. They may act this out through intensified hassles with parents and tantrums. Adolescents may also believe their parents to be selfish for getting a separation when they are still needed by their children.
  8. Loyalty conflicts and alignments with one parent still occur in older adolescents and can be intense, provoking guilt and depression. However, at this age they disengage themselves from the battle more quickly.
  9. Anxiety may occur over financial matters, primarily focused on the adolescent's future needs.
  10. Older adolescents may react by jumping into protective, helpful roles or by distancing themselves from the crisis through accelerated socializing. This may include an increase in sexual activity.
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*Implications for Parents*

Parents need to appreciate and accommodate the adolescent's need to spend considerable time with his or her friends doing special activities. This means that the adolescent will not want to spend large amounts of time with either parent. This may be a time when a parent is more inclined to want to spend quality time with the teenager because of the parent's need for company and continuity, not the child's need.

The adolescent's wishes should be taken into account unless he or she is trying to avoid appropriate limits in one house.

If a parent is still angry and mistrusts the other parent, and is anxious when the child leaves to be with that parent and evidences relief when the teenager returns, these feelings are absorbed by the adolescent. Often, the adolescent takes on the burden of "taking care" of this anxious parent. To be with the other parent is unconsciously perceived by the adolescent as abandoning and putting the anxious parent at risk.

Unless there are specific circumstances that require a different approach, both parents should be involved in providing care for the child during illness and other difficult situations.

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## STEP 3: ANTICIPATING YOUR CHILD'S NEEDS

### *What is in the Best Interest of the Child?*

“What is in the best interest of the child?” This question is a principle, not a law. The best interest standard is an appeal to use common sense in deciding what is best for children. Each parent has a tendency to think, “I know best,” but this is rarely the case. It takes real work to think what is “best” for a child. Your goal is to determine what is best for your child, given the big picture of his or her life. This is no easy task and, as you can imagine, can be quite complicated.

Filling out the parenting plan pages in Step 6 of this book will help you realize the many different considerations that go into the principle of what is best for children.

Your needs and your child's needs may conflict on one point in particular. A parent may feel, “I *need* to never see the other parent again.” If there were no child from the relationship, that need could be fulfilled fairly easily. However, a child *needs* two parents who will love and care for him or her. Thus, the two needs are incompatible. It takes true maturity to overcome putting one's own needs first when there is so much at stake for the child.

No one can design a parenting plan that will fit your family better than you can. You and the other parent are the best experts on how to individualize a plan that appropriately reflects the changing needs of your family. Throughout the creation of your parenting plan, you will need to ask yourself: “What is in the best interest of our child?”

In determining what is best for your child, be aware that the other parent is likely to have another point of view on some of the issues, and you will be required to compromise. You don't have to have all the answers, so it is unlikely

that the ultimate parenting plan for your child will include everything that you have written down in your own version. It helps to keep this in mind as you write down your thoughts.

Some people are tempted to ask for more than what is appropriate, so that they have some leverage for bargaining. That might be a good strategy in some business dealings, but you are planning the life of a human being – your child. The purpose of the parenting plan is to help all parties concerned know what to expect and to reduce unnecessary conflict. Keep your plan realistic and in the child's best interest.

***There should not be a “final” version of the parenting plan for your child.*** The plan you are creating is a living document and must change over time. As your child grows, the plan will need to be updated several times. Otherwise, you are being unfair to your child. There are high school students today who are forced to operate under a plan that was put in place when they were toddlers. Imagine that! You don't want that for your child. The good news is that once you have done this first plan, it gets easier and easier.

### ***The Logbook***

Many parents successfully communicate with each other about their child by exchanging a logbook. The logbook is a simple spiral notebook that the child carries back and forth from one parent to the other. The purpose of the logbook is to provide continuity in the child's life as he or she moves between homes. Parents write notes in the logbook prior to each exchange of time with the child.

This tool is designed solely for the purpose of recording information about the child, and its contents deal only with issues that are related to the child's life; such as health, medications, special events and emotional problems. Use the logbook to inform the other parent of anything that he or she needs to be aware of pertaining to your child.

The logbook should *never* be used as a way to inform the other parent of your feelings about him or her. Nor should it be used to communicate information that is related to adults only, such as financial issues. Your goal must be to keep personal matters away from your child.

Make a special effort to keep all communication between you and the other parent respectful, gracious and productive. Using polite and courteous language demonstrates to your child that you care about his or her well-being. Your child should be able to look at the logbook comfortably and without emotional upset.

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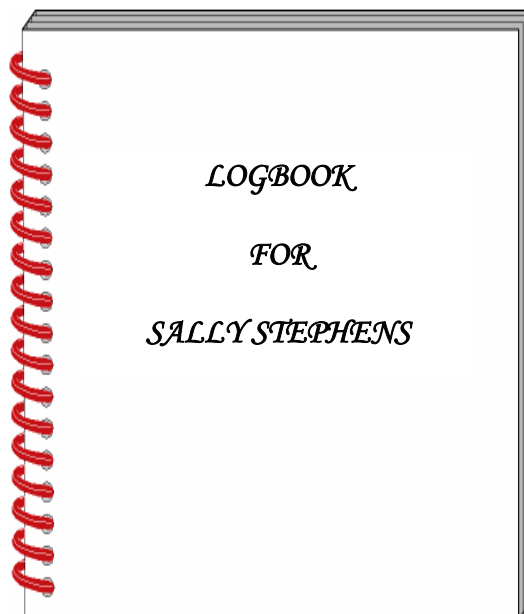
Other choices for communication are e-mail, fax and telephone. Whichever you choose to communicate, there needs to be a separation between information shared with a child and information shared only between parents because it involves adult business.

***No adult business goes into the child's logbook. All adult communication needs to be handled outside of the presence and awareness of the child.***

Proper use of the logbook demonstrates cooperation, courtesy and maturity and is definitely in the best interest of your child.

Include in the logbook information about:

- School experiences
- Extracurricular activities
- Celebrations such as birthday parties or family events
- Health issues, including both mental and physical health
- Medical care, including doctor's appointments
- Medications: When to take and how much? Any side effects to look out for?
- Special interests and opportunities
- Unusual experiences



*Monday, March 11<sup>th</sup>*

*Sally and I enjoyed a trip to the science museum on Saturday. The dinosaurs fascinated her. She would enjoy talking about how big the brontosaurus is.*

*Her bike riding abilities are coming along. However, on Saturday she fell off her bike and skinned her knee. We applied first aid, and she was ready to try again.*

*I gave her the asthma medicine according to your instructions. I didn't see any signs of her having troubled breathing.*

*I will pick up Sally from school on Tuesday and have her back at your house by 8:00 p.m. I'll be calling at our scheduled time.*

*Have a good week,*

*John*

*Friday, March 15<sup>th</sup>*

*Hi John:*

*Here are some of Sally's art pieces that we did together. She shows artistic talent! I will see you at the open house at the school on March 29<sup>th</sup>.*

*She had another asthma episode last night. I called her pediatrician who said to keep her away from cats. Maybe we can try that for a while to see if it makes a difference in her sniffles.*

*We are going on a field trip on Wednesday to see the Museum of Natural History.*

*Thanks,*

*Mary*

### *The Child's Perspective*

Many parents assume that their child is doing just fine in adjusting emotionally to the family reorganization. However, this may not be the case. Many children learn to cope because he or she has no other choice. When parents recognize their child's feelings, address them through open communication and behave responsibly and sensitively to them, then a child can ultimately overcome his or her feelings of loss.

To some degree, all children experience the following responses to family reorganization. The feelings may not be openly expressed, but rather may appear more subtly in the child's behavior, such as "acting out" behavior, excessive crying or withdrawing into a depression.

***Most children will temporarily regress to younger behaviors. This is a signal that they need help, patience and understanding.***

The following are common reactions and behaviors for children going through the experience of separation. Have you seen these behaviors in your child? If so, think about the best way to help.

- Confusion and anxiety about the change
  - Worry about what will happen to him or her
  - Concern about whether there is enough money
  - Sadness, loss, loneliness and yearning (children are in a continuous state of missing the parent that they are not with)
  - Worry about both parents' physical and emotional well-being
  - Concern about the well-being of the parent who is not with the child at the time
  - Anxiety about possible changes in homes, schools and friends
  - Fear of rejection by the parent who leaves the home
  - Feeling that he or she must choose between parents; being forced to have divided loyalties
  - Anger at the parents' destruction of the family unit
  - Guilt and a mistaken sense of responsibility for having caused the separation
  - Fantasies of a parental reconciliation
-

Parents have substantial power to facilitate the coping and healing process of their child. Conversely, parents have equal power to interfere with healthy recovery. In your parenting plan, demonstrate your sensitivity to your child's psychological adjustment to the separation and include your own ideas on how to accommodate the problem. You may need outside help, such as from a therapist who specializes in working with children when they are going through difficult times.

### ***When There is a New Partner in Your Life***

When beginning a new adult relationship, it is best for a parent not to involve the child until there is a commitment for a long-term relationship and a substantial amount of time has passed since the separation from the child's other parent. If possible, arrange your time with your adult friend when you are not with your child. Predictable reactions to the new relationship are:

- 1) The child may feel cheated to not be able to spend all of the scheduled time with the full attention of the parent.
- 2) The child now has less time with each parent. Many children will reject the new person when he or she is introduced to the child too early.
- 3) The new relationship may set the child up for further losses. If the child establishes a friendship with the new person and the relationship doesn't work out, it is another disappointment to bear.
- 4) The new partner may like you a whole lot more than he or she likes your child. Some new partners have unrealistic expectations about where your loyalties ought to be and resent shared time with your child.

### ***Transitions: A Predictable Problem***

Children function best with what is familiar to them. Young children especially find change frightening. They need preparation for changes in routines, places of residence, activities or caretakers. The most difficult thing for a child to handle is having to move from one place to another, from one activity to another or from one person to another.

***When a child protests leaving one parent or going to the other parent, this is not generally an indication that the child is unhappy with either parent. It is the transition that causes the child's distress.***

In order for children to gain one parent, they have to let go of the other parent. This is not easy to do. If they had their way, they would be with both parents at the same time.

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### ***Ways to Help***

There are several important ways that you can help your child as your family reorganizes. Regardless of a child's age, he or she will need the following built into the parenting plan:

- Predictability - I regularly tell our child what will happen and when.
  - Stability – I consistently keep schedules and activities regular.
  - Structure – I minimize the number of changes of people and routines in our child's life.
  - Consistency – I am careful to keep my verbal and non-verbal (tone of voice, body and facial language) messages consistent.
  - Clear Limits and Boundaries – I am clear about setting limits and expectations.
  - Permission – I give our child permission to love the other parent and anyone else in the other parent's life.
  - Continuous Relationship with Both Parents – Both the other parent and I are an integral, on-going part of our child's life. (Both are crucial to a child's development, as mothers and fathers are not interchangeable. Both perform important – similar but different – functions for a child.)
  - Acceptance of Feelings – I provide a safe environment for our child to express his or her feelings.
  - Accommodation of Long-Term Friendships – I help our child keep long-term relationships. I make a special effort to let the child participate in social and extracurricular activities that are important to him or her.
  - Empathy for Your Child – I am able to put myself in our child's shoes and see things from his or her point-of-view.
  - The Ability To Let Go – I can resolve and put aside my differences with the other parent for the sake of our child.
-

### *Meeting Your Child's Needs*

You aren't the first person to divide your family. Following are some good parenting ideas that can help you meet your child's needs as your family divides.

- I continually reassure our child that he or she is not at fault for the separation or for any anger between the adults.
  - I remember that our child needs two parents and that my feelings of possessiveness need to be controlled.
  - I understand that the other parent and I will treat our child differently. I cannot make the other parent do what I want.
  - I understand that children can love many people without losing love for either parent. I expect that the child's other parent will be forming new friendships and that our child will be participating in these relationships.
  - When a child regresses to an earlier stage of development, I avoid blaming the other parent. I know that a child may become rebellious or very quiet and isolate himself or herself for a brief period as he or she adjusts to the new situation.
  - I am prepared to help our child with change. I tell our child when there will be a change and help him or her to understand why the change is important.
  - I am willing to allow our child to have frequent and continuous contact with the other parent.
  - I know that most separating parents experience the problems of extra work, less money and less support than when they were together. I find alternative ways to get the workload handled and to live within my means.
  - I understand that getting nasty with the other parent will only do harm. I remember my manners.
  - I have a support system of people with whom I can safely share my feelings.
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- I am becoming a positive role model for our child for how to handle conflict. I learn how to agree to disagree.
  - I go out of my way to catch our child being good. This means that I focus on complementing our child's good behavior.
  - I listen receptively when our child tells me what he or she is thinking. I thank him or her for confiding in me. I do not use this as an opportunity to pry into the personal life of the other parent.
  - I promise to honor all commitments, to be on time and to have the child ready at the designated time for exchanging the child. I will call if I am going to be late.
  - I have enough control to keep my anger toward the other parent away from our child. I have devised a harmless and constructive method for getting rid of my anger.
  - I am careful that our child is not exposed to adult sexual behavior.
  - I reassure our child that both parents still love him or her. I will help our child to not feel abandoned by me or by the other parent.
  - I avoid language that implies that one parent "visits with" the child. Instead, I use words like "timeshare" or "living at the other home" when discussing the other parent.
  - I avoid asking a child, "Where do you want to live?" (This is an adult decision.)
  - I will tell our child only the facts of a situation without placing blame.
  - I maintain discipline; I teach our child right from wrong; I set limits; and I am masterful at following through with positive reinforcement. I realize that children need a lot of repetition.
  - I make the effort to become an extraordinary parent, by attending a skill-building parenting class.
  - I discipline our child without using punishment. (Punishment means intentionally causing another to feel either psychological or physical pain.)
-

- I am careful to not expose my child to violent or sexually explicit forms of entertainment such as movies that are too advanced for his or her development.
- I do not overindulge our child with material things, money, trips or food in an attempt to buy the child's love.
- I acknowledge that all of our child's feelings are legitimate. I allow our child to share his or her feelings of fear, guilt and anger. I do not try to talk our child out of his or her feelings, to minimize or deny those feelings.
- I rely on *The Serenity Prayer* to help me decide where to put my time and energy. I focus on that which is within my power to change, rather than get frustrated about what I cannot change.
- I have read *A Child's Rights When Parents Separate* (on the next page).

*The Serenity Prayer*

GOD GRANT ME

*The SERENITY to accept  
the things I cannot change*

*The COURAGE to change  
those that I can*

*And the WISDOM to know  
the difference.*

~ Reinhold Niebuhr

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### A CHILD'S RIGHTS WHEN PARENTS SEPARATE

- ♥ I have the right to love whom I choose -- without guilt, pressure or rejection.
- ♥ I have the right to love as many people as I want to (such as step-parents and relatives) without guilt and without being made to feel disloyal. The more I love, the more love I have to give and the more I receive.
- ♥ I have the right to have a regular daily and weekly routine, one that is not filled with unpredictable disruptions.
- ♥ I have the right to spend time with both of my parents, regardless of grown-up wants and wishes regarding convenience, money or their feelings. I OWN MY TIME TO BE WITH MY PARENTS. IT IS MY RIGHT, NOT THE RIGHT OF MY PARENTS.
- ♥ I have the right to be angry, sad and fearful; and I have the right to express my feelings.
- ♥ I have the right to not be exposed to the anger of my parents, to not be punished and to not see them punish each other.
- ♥ I have the right to like both of my parents, since they are both part of me, and to be reassured that this is OK.
- ♥ I have the right to not have to blame or choose sides.
- ♥ I have the right to not have to make adult decisions.
- ♥ I have the right to remain a child, and to not replace a parent in my duties or to act as an adult companion, personal friend or comforter to my parents.
- ♥ I have the right to not ever have to choose with whom I live. This is a decision for wise adults. Having to make such a choice will always hurt someone else and, therefore, me. I have this right even when I'm a teenager - I CAN NEVER CHOOSE BETWEEN MY PARENTS.



## **STEP 4: GETTING ORGANIZED**

Start by placing a photograph of your child at the location where you will be working on your parenting plan. Look at the picture of your child once in a while as you work. Each time you begin to work on the parenting plan, remind yourself to focus on what is in the best interest of your child.

Now go through Step 6 of this book to familiarize yourself with the kinds of decisions that you will be making. Some of the sections in the parenting plan will be easy for you, where others will require more thinking and possibly even research.

Choose a time to work on your parenting plan when you expect to be relaxed, yet fresh enough to concentrate. The plan is something that you will be working on for a while. Allow yourself to set it aside and go back to it again.

***If you have important documents such as court orders, certificates or valuable letters, make copies of them and store them in a safe place away from this work area. Always do this. No exceptions. Some documents cannot be replaced, and others take a great amount of time and effort to obtain again.***

Put all of the relevant pieces of data for your plan together in one place. If you are missing important material, make arrangements to have it sent to you. Write down what you need on the To Do List in the Appendix of this book (page 115). Check off each item as you accomplish it.

Notice also, in the Appendix, a Contact List sheet for you to use (page 113). Use this to make a list of all of the names, addresses and telephone numbers of family members, physicians, dentists and therapists involved with your child. Also include mediators, lawyers, evaluators and judges with whom you are working.

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Don't forget the name of your child's teacher and his or her school or daycare center. Include anyone who is involved with your child whom you may need to contact. Make a copy of this information so that you can take it with you. You never know when you may need it.

Assemble supplementary information, such as literature about schools you want your child to attend, religious training, sports or other activities. Think about places that you would like to take your child to, such as the zoo, a science center or a museum. Make the necessary calls to have literature sent to you. Are there letters, report cards, achievement certificates that are relevant? Be sure to include any relevant medical reports, police reports, telephone bills, insurance records and mental health records.

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## **STEP 5: UNDERSTANDING WHAT GOES INTO A PARENTING PLAN**

### *Types of Child Custody*

The on-going puzzle of what to do when both parents claim that a child belongs with him/her alone can be perplexing and can create tremendous conflict. In a custody dispute, people often think in black and white. Frequently parents will claim, “I’m clearly the better parent, so my child belongs to me.” They can usually present several reasons for their belief.

Too often, egos and the desire to control the other parent and the child take precedence over what is in the child’s best interest. Thus, the labels of sole or joint legal and physical custody of a child can be taken too seriously.

Children clearly need two parents that love and care for them. The majority of parents are able to share custody. Many need extra help in figuring out how to do it without tension. However, even when parents simply can’t get along, joint custody shouldn’t be ruled out. Research has shown over and over that the children in divided families fare better when they have two parents to enrich their lives, especially when both parents are involved in making key decisions on the child’s behalf.

Extensive research has been done on children raised in single-parent homes. This research has shown that the trend of eliminating a father from a

child's life in order to make things easier for the parents is *not* in the child's best interest. A high percentage of these children end up engaged in anti-social behavior, such as dropping out of school, promiscuous sexual behavior, drug abuse and criminal activity.

According to census data, almost 40% of American children have no father in their lives. This is a disturbing trend. Fathers have proven that they can be just as nurturing and child-oriented as mothers can be, including caring for an infant. Fathers provide a balance and contribute an insight that can make a huge difference in how a child turns out. It is a big job taking care of a child. Not being able to work out an acceptable parenting plan when families divide further contributes to the social problems caused by fatherlessness.

Gender bias needs to be eliminated for women and for men. It doesn't help the cause of equal rights for women to be put in the position of being the sole parent. A mother needs to be able to get on with her life also, to pursue additional relationships, including furthering her education or career. Parenting is a big job. Every parent needs relief from the day-to-day stresses. Everyone needs someone else to talk things over with, someone with whom to make important decisions about a child's life.

Far too many children have lost their fathers due to punitive court orders, which routinely give sole custody to the mother. The reasoning behind this is that when parents are in conflict, it is better for one parent to make all the decisions. Therefore, fathers are driven out of their child's life, not because they don't care, but because the Courts don't take the time to help the parents learn how to share the children. This is heartbreaking for the child and the father as both lose the closeness of a loving relationship. Ultimately, instead of making it easier, the policy of sole custody to the mother seriously complicates everyone's life.

Another popular idea is that fathers would rather walk away from their families than stick it out. Dr. Sanford Braver's extensive research published in his book *Divorced Dads: Shattering the Myths* has shown that there are far more "driven-out" fathers than there are dads who are not interested in being a part of their children's lives.

Sole custody should only be used when one parent is clearly incapable of caring for a child. If there are two parents who are able to take care of child, then custody should be shared. This decision needs to be made very carefully. Some parents are verbally or physically violent, abuse alcohol or drugs, are mentally ill or are physically incapable of caring for a child. In some cases, an at-risk parent can stabilize the situation by going to therapy, taking parenting classes or participating in some other kind of intervention program. In doing so, he or she may make it possible to share parenting at a later date.

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Sole physical custody with shared legal custody may work better if a parent lives far away or has a work schedule that prevents him or her from taking on day-to-day parenting responsibilities. It is still possible for these parents to have contact with the child, usually just more difficult.

Child custody laws have changed radically in recent years. In most states these laws are more humane in that they encourage parents to work out their conflicts and to share their children. Many people have been wounded by their experience of a separation and child custody dispute. Look for people who will give you encouragement, not just pessimistic messages about how there is no justice in the Courts.

***Steer clear of the doom-and-gloom people who may mean well, but who can turn hope into despair very quickly.***

### ***Joint Physical and Legal Custody***

When children and their families are at stake, there is no room for a “winner” or a “loser.” Joint custody with a good parenting plan is in the best interests of children. The fact that there’s neither a winner nor a loser in the conflict is what reduces the amount of anger and conflict. Winning and losing is what creates more conflict.

The truth is that whomever has responsibility for a child at any given time is the primary caretaker of the child in that moment. Situations deteriorate when one parent thinks of the other parent as secondary in importance to the child – such as when one parent thinks of the other parent as simply the child’s “babysitter.” This thinking works against a successful outcome of family reorganization. The child needs to think of both parents as important, regardless of what is written on a piece of paper about custody. Joint custody is the better choice in most cases.

***When parents can’t cooperate and agree, a legally enforceable parenting plan serves as a tiebreaker.***

Joint custody means assuring children of frequent and continuing contact with both parents. This arrangement requires parents to share the rights and responsibilities of child rearing, regardless of their personal compatibility with each other.

There are several advantages to shared parenting. A child with joint custody has two parents who are emotionally involved. Regular contact with both

parents is maintained. The child receives a clear message that he or she is loved and wanted by both parents.

Joint custody provides the advantage of shared childcare and can serve as a way to get relief from many of the problems associated with single parenthood. With more balanced shared physical custody, joint custodians are provided with an important buffer against the “burnout” many single parents experience because of the intense demands of solo parenting.

A nursing baby also needs to bond with the father. Fathers can take care of an infant’s needs as well as a mother can. Daily or frequent access by the father helps with adjustment and bonding. Overnights with the father are also possible for nursing babies provided breast milk can be pumped in advance (or if formula is used). It is the act of parenting that makes one a parent. Children deserve the benefit of having two parents from the beginning of their life.

### ***Sole Custody***

Sole primary physical custody means that full physical and legal custody of a child has been awarded to one parent. This parent then makes the key decisions about the child's life. Even when sole custody is chosen, frequent and continuing contact with the non-custodial parent is usually recommended and written into the plan. Sole custody should be considered only in extreme cases.

Severing a child’s right to have two parents is not a healthy conclusion to a divorce process, unless there is an overwhelming reason for that path (see below). The hostility that occurs when this happens creates massive conflict and serious psychological disturbance. Children lose when there are not two parents who care for them.

Some parents perceive sole custody as easier or less complicated for their own lives. This has obviously nothing to do with what is in the best interest of the child. It has been used by some as a tool to minimize contact with an ex-spouse and to exercise control over all aspects of the child's upbringing. Some parents perceive sole custody as a victory in their own personal war against their ex-spouse. Others choose it for convenience – to have more freedom to do whatever they want, such as move to a new community or state. Sole custody chosen for these reasons is not in the best interest of the child.

There are situations in which sole custody is preferable or unavoidable. Some parents either disappear or do not want to be involved as a parent. Some parents are too emotionally or physically abusive to their children to be entrusted with them. Some parents are simply not good parents due to psychological problems.

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In families where the two parents cannot talk to each other without fighting — no agreements can be made about the child’s welfare and predictably followed through — one parent needs to have sole legal custody. The reason is that many ongoing decisions need to be made on behalf of a child’s best interest, and if the two parents never agree, these decisions won’t be made in a timely manner.

Sole custody does have the disadvantage of creating an unequal balance of power in the relationship between the two parents. Where such power was shared prior to the breakup, now one person has complete control over matters relating to the child. This power can be abused and used arbitrarily, thereby increasing the level of conflict and discord between the parents. In addition, the child will soon become aware of this dramatic power imbalance, which can have a harmful effect on how he or she views the “weaker” parent. This affects the quality of the child’s relationship with that parent and limits the parent’s ability to be effective in a variety of parenting situations.

### ***Divided or Alternating Custody***

Divided or alternating custody is an arrangement that permits each parent to have the child for part of a year or for alternating portions of a year or alternating years. Each parent alternates assuming the responsibility and control accorded a sole custodian during the time period when the child is awarded to the respective parent. Divided or alternating custody is not joint custody.

### ***Split Custody***

Split custody awards sole custody of one or more children to one parent and sole custody of another child or remaining children to the other parent. This is usually not recommended unless extraordinary conflict exists between siblings. Parents and courts considering the split custody alternative will need to understand the necessity of assuring that the children have significant time together with their siblings.

However, as children reach the age of seven or eight, they may express a strong desire to spend more time with one parent over another. As children reach the age of ten or twelve, splitting up the kids may be acceptable. At this age, boys may express a desire to spend more time with their father, and young girls may express a desire to spend more time with their mother. Some children enjoy this split arrangement when each child has exclusive contact with one parent or the other for some period of time without the other sibling competing for that attention.

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### ***Holidays and Vacations***

Holidays and vacation times often are designed so that one parent has holiday or vacation time with the child in even years, and the other parent has the time in odd years. In most cases the timeshare may also be split between parents. During the winter and spring breaks, some parents split the time half way. Always state the time and location of the exchange, including pick-up and drop-off. Use the chart on page 86 to decide the best plan for your family.



### ***Special Days***

A special day is a way to allow for unusual circumstances or important events that develop from time to time, such as the birthday of a sibling or relative, out-of-town visitors, weddings and other celebrations such as family reunions. These are 24-hour periods that are an exception to the usual schedule. The other parent is given prior notice of at least 30 days.

Typically, each parent is allotted 2-3 Special Days per year.

### ***Time Available for Our Child***

Another important variable to consider for determining custody and timeshare is how much time you realistically have to spend with your child. You have a life, too. You probably need to work and have many other responsibilities besides being a parent.

Some careers require a parent to be away from home for long blocks of time, such as those of police, sheriffs, military personnel or fire fighters. Other people must travel for business, such as airline crews or people who go on location to make movies. These professional factors must be considered when determining a realistic timeshare of the child.

Other people need to have flexibility for mental or physical health reasons. There are diseases that, when in an active stage, make it very difficult for a parent to give a child proper care. Other diseases go into remission and enable a parent to be more available during those times.

Another point to consider is that of types of time. Daytime and nighttime hours with a child are not equal in quality, nor are weekdays and weekends.

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During a week, most parents are at work, the child is at school and they only see each other for a short time in the morning and a few hours at night. Many people have longer blocks of time available for a child on a weekend, while other parents, such as people who sell real estate, must work on weekends.

***There is no “one size fits all” timeshare that is appropriate for every family.***

In order to be realistic about what kind of timeshare to ask for, you must determine how much time (and when) you have available for your child. A young child needs to be with a responsible person 24 hours a day. If the child is not with you, where will the child be? Will the child be in school or daycare? If so, for how long? What provisions for childcare do you have in place? The example timeshare calendars on pages 48-51 will help you figure out how you can schedule your time.

### ***When Are You Available for Your Child?***

**DIRECTIONS:** Fill in your schedule on the 24-hour weekly grid on page 84. When do you sleep and work? What are your predictable activities every week? What do you expect in terms of a social life? When will you exercise?

Next, do the same for your child. Include what you know about the other parent’s schedule as well. Fill in the blocks of time for each person using a different-colored highlighter. This way you can better analyze how much time you and your child realistically have to spend with each other. This information can help you decide on a fair timeshare to ask for.

You can determine your share of your child’s time as a percentage by the following calculation.

There are 168 hours in a week. Divide the number of hours you have available each week to spend with your child by 168, then multiply by 100. This information is useful for determining financial child support.

Example: If you have 48 hours available to spend with your child each week, divide 48 by 168 and multiply by 100.

$$48 \div 168 = 0.29$$

$$0.29 \times 100 = 29\%$$

This equals 29%.

Parents may also want to consider progressive schedules where the non-custodial parent has more time with the child as he or she grows older. You may want to consult with an expert to develop the most practical plan for this.

### ***Division of Your Child's Time***

A good timeshare plan depends on many variables, which you will be figuring out in this book. If the time means a long commute out of the child's neighborhood, makes it so that he or she is unable to see friends or to participate in special activities or sports, then it may be too much. Children need both consistency and flexibility.

Some people focus on a percentage of time to the exclusion of other issues that may be more important, like what the child needs.

Children need time with both parents, and they also need time to enrich their lives with activities such as seeing their friends and being involved in sports or cultural activities like art or dance. Parents also need to attend to their child's spiritual needs, which may mean a religious education. Balance is the key. Children need time with both parents and time to be normal children.

There are many creative ways to have quality time with a child. "Quantity time" needs to be figured out according to what is in the best interest of the child. Some of the things to think about are the child's age, his or her relationships with friends and extended family, the availability of each parent and distances to travel. It is important to not get hung up on hours, minutes and seconds.

Of course, without quantity time, there can be no quality time. The old idea that giving a few concentrated hours of attention to a child ought to be sufficient doesn't account for the fact that having a parent there when needs arise is precious quality time. When a child doesn't feel well, or has a big upset, that is when a parent is really needed. These times aren't programmable into a timeshare calendar.

Following are four example timeshare plans that parents have used, reflecting varying amounts of timeshare. It is likely that none of these plans will be exactly appropriate for your family. Use them as a guide, then decide what timeshare would be best. Use the blank calendar on page 81 to plan your own timeshare schedule.

### ***Timeshare Schedules***

Review the following timeshare schedules to see which works best. More than likely, none of the examples will work for your family exactly as they are presented here. Use them as a guide to develop a timeshare schedule that works for you.

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**TIMESHARE EXAMPLE #1  
A Four-Week Schedule**

	MON	TUE	WED	THU	FRI	SAT	SUN
Week 1	MOM	MOM	MOM drops off at school	DAD	DAD	DAD drops off by 9:00 a.m.	MOM
			DAD picks up after school			MOM	
Week 2	MOM	MOM	MOM drops off at school	DAD	DAD	DAD	DAD
			DAD picks up after school				
Week 3	DAD drops off at school	MOM	MOM drops off at school	DAD	DAD drops off at school	MOM	MOM
	MOM picks up after school		DAD picks up after school		MOM picks up after school		
Week 4	MOM	MOM	MOM	MOM drops off at school	DAD	DAD	DAD
				DAD picks up after school			

Designate pick-up/drop-off locations and times.

**COMMENTS:** Number of Overnights: Mom = 14 Dad = 14

Number of Weekends: Mom = 2 Dad = 2

After Dad's weekends, he drops off the child at school on Monday morning.

**TIMESHARE EXAMPLE #2  
A Four-Week Schedule**

	MON	TUE	WED	THU	FRI	SAT	SUN
Week 1	MOM	MOM	MOM	MOM	MOM drops off at school	DAD	DAD
					DAD picks up after school		
Week 2	DAD drops off at school	MOM	MOM	MOM drops off at school	DAD	DAD	DAD
	MOM picks up after school			DAD picks up after school			
Week 3	DAD drops off at school	MOM	MOM	MOM drops off at school	DAD drops off at school	MOM	MOM
	MOM picks up after school			DAD picks up after school	MOM picks up after school		
Week 4	MOM	MOM	MOM	MOM drops off at school	DAD	DAD	DAD
				DAD picks up after school			

Designate pick-up/drop-off locations and times.

**COMMENTS:** Number of Overnights: Mom = 16 Dad = 12

Number of Weekends: Mom = 1 Dad = 3

After Dad's weekends, he drops off the child at school on Monday morning.

**TIMESHARE EXAMPLE #3  
A Four-Week Schedule**

	MON	TUE	WED	THU	FRI	SAT	SUN
Week 1	MOM	MOM	MOM drops off at school	DAD drops off at school	MOM	DAD DAD picks up at 9:00 a.m.	DAD
			DAD picks up after school	MOM picks up after school			
Week 2	DAD drops off at school	MOM	MOM drops off at school	DAD drops off at school	MOM	MOM	MOM
	MOM picks up after school		DAD picks up after school	MOM picks up after school			
Week 3	MOM	MOM	MOM drops off at school	DAD drops off at school	MOM	DAD DAD picks up at 9:00 a.m.	DAD
			DAD picks up after school	MOM picks up after school			
Week 4	DAD drops off at school	MOM	MOM drops off at school	DAD drops off at school	MOM	MOM	MOM
	MOM picks up after school		DAD picks up after school	MOM picks up after school			

Designate pick-up/drop-off locations and times.

**COMMENTS:** Number of Overnights: Mom = 20 Dad = 8

Number of Weekends: Mom = 2 Dad = 2

On Wednesday, Dad picks up the child after school or at 3:00 p.m. and drops off child to school the next morning.

**TIMESHARE EXAMPLE #4  
A Four-Week Schedule**

	MON	TUE	WED	THU	FRI	SAT	SUN
Week 1	MOM	MOM	MOM	MOM	MOM	DAD DAD picks up at 9:00 a.m.	DAD MOM picks up at 8:00 p.m.
			DAD picks up after school to 8:00 p.m.				
Week 2	MOM	MOM	MOM	MOM	MOM	MOM	MOM
			DAD picks up after school to 8:00 p.m.				
Week 3	MOM	MOM	MOM	MOM	MOM	DAD DAD picks up at 9:00 a.m.	DAD MOM picks up at 8:00 p.m.
			DAD picks up after school to 8:00 p.m.				
Week 4	MOM	MOM	MOM	MOM	MOM	MOM	MOM
			DAD picks up after school to 8:00 p.m.				

**Designate pick-up/drop-off locations and times.**

**COMMENTS:** Number of Overnights: Mom = 22 Dad = 4

Number of Weekends: Mom = 2 Dad = 2

On Wednesday, Dad picks up the child after school or at 3:00 p.m. and drops off the child to Mom by 8:00 p.m.



## ***Other Subjects***

### ***Transportation/Exchanges***

Parents often share transportation responsibilities by alternating who picks up the child at the beginning and end of the time of transition. Many of these transitions are easier for the child when they occur at school, day camp or daycare. Thus the parent with whom the child spent the night will take the child to school or daycare the next morning.

Whenever an organized after-school activity (such as sports, lessons or therapy) runs until the transition time, the transition can take place at the location of the activity. If parents are not relaxed around one another, they should meet in a public place. Use a restaurant, a park or a happy place – not a police station if you can help it.

### ***Financial Support for Our Child***

If parents agree on how they will financially support the child, they can put their agreements in writing and address the subject again as circumstances change. If parents don't agree, they may need to get a court order to put the financial arrangements in place. In most states there is a software program that attorneys have that figures out the financial arrangements for parents.

### ***Assuring Future Support***

Many parents agree to maintain a life insurance policy to cover child support payments if the paying parent dies. This means that if one of the parents is left alone to provide for the child due to the death of the other parent, the policy pays out to a designated trustee for the child to cover child support payments and/or the child's college education.

Life insurance comes in two basic types:

*Term Life*, which provides only a death benefit;

*Whole Life*, which in addition to the death benefit offers a policy cash value that increases as you pay your premiums. This is therefore also a form of savings plan and can be cashed in to pay for the child's college expenses. The premiums are significantly higher for Whole Life, but you get a portion of your premiums back, accumulated with interest. Wise parents will talk to a Certified Financial Planner (CFP) about securing the child's future support and college education. Many other forms of savings are possible besides whole life insurance.

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Examples include Money Market Funds, Variable Annuities, Mutual Funds, Bond Funds, Certificates of Deposit in a local bank, U.S. Treasury Bonds and Notes. Discuss your needs with a CFP to get the best advice for your particular situation. You can find a CFP through the Yellow Pages in your phone book or through ads in the business section of your local newspaper.

### ***Medical and Dental Insurance***

There are many unforeseen expenses related to child rearing that can be allowed for by good planning. You need to agree on who is responsible for insurance policies. Most insurance policies require payments of deductibles. Prescription drugs alone can be very expensive. There are also expenses related to illness that are not covered by any insurance policy, such as over-the-counter medications.

### ***Communication Between Parent and Child***

If possible, allow the child free access to the telephone to call either parent when interested. Children in divided families are always in a state of longing for the other parent. It helps them immensely to pick up the phone and be reassured by the missed parent that he or she is okay. If the mere sound of the other parent's voice creates anger in you, then paying for a private phone for the child in his or her room is recommended.

### ***Communication Between Parents***

We are all limited by communication. In spite of our best intentions it is easy to misunderstand what was said. Often people leave out important details that have to be addressed before an adequate plan can be successful. When people are emotionally upset, the chance for misunderstanding is even greater. Thus, relying solely on verbal communication is not adequate.

Write down your agreements. Check to see if all of the key details have been agreed upon and understood. Use the 5 *W's* – *Who? What? When? Where? and Why?* If a request is being made, allow reasonable time to respond to the request or inquiry.

Remember the old saying, “*the shortest pencil is better than the longest memory,*” and keep a copy of all agreements.

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### ***Religious Training***

Parents have several choices regarding religious training. If the parents are like-minded and belong to the same religion, it makes decisions easier. However, many parents have different religious persuasions. To some, it simply doesn't matter. Several parents have solved the religion dilemma by teaching both religions. Others say that the child can decide for himself or herself when older. Note, however, that if the child is not exposed to any faith when growing up, it is unlikely that he or she will get involved with any faith later.

### ***Corporal Punishment***

Virtually nothing can create conflict faster than when a child experiences corporal punishment at the other parent's home. The child will complain about the punishment, and since one parent was not there, it is difficult to know what really happened.

Relying on a child, who of course is upset about being spanked, to inform the other parent accurately about why the spanking occurred, how severe the spanking was, or the mental or physical condition of the one doing the spanking, is absurd.

When parents don't like each other it is easy to inappropriately minimize or exaggerate the situation. It is better to not use corporal punishment at all.

Most parents use the words punishment and discipline interchangeably, however, they are not the same.

***Punishment means administering physical or mental pain in order to stop a particular behavior. Punishment tells children what not to do, rather than what to do.***

***Discipline means using a variety of non-painful methods for teaching children appropriate behavior. Discipline shows them what to do, rather than what not to do.***

Punishment as a way of controlling children is falling out of favor more and more. One reason is that we now know excellent ways to avoid the use of painful methods.

There are many "how to" books available for parents who want to learn optimal methods for discipline. My latest book, *Breakthrough Parenting: Moving Your Family From Struggle To Cooperation*, covers everything you need to be successful and is used in parenting classes nationwide.

For more information on the availability of Breakthrough Parenting classes in your area, as well as home study books and tapes, see the web site [www.breakthroughparenting.com](http://www.breakthroughparenting.com) (or call (800) 770-7935 in the U.S. and Canada). The web site also has articles to help parents with common problems, including those specific to difficult divorce situations.

### ***One Parent Wants to Move Away***

The issue of “move away” in a custody case is a serious one. A move away by a parent means that “frequent and continuing contact” with the child might amount to phone calls or time on a few holidays and for a portion of summer vacation. Thus, in a move away one parent loses a considerable amount of “quantity” as well as “quality” time with a child. The most important question to answer in this situation is: “Is this move in the best interest of the child?”

It is crucial to have the requirement that a parent give notice to the other parent of any intent to change the child's residence, as soon as it is known. A move by a parent may be a significant change in circumstances and will result in a change in the parenting plan.

How can the move be justified? Following are factors the Court may consider regarding a request for a move away. A move away is most likely going to be denied or permitted according to the following issues:

- A. What is the nature, quality and duration of the child's personal relationships with other people?
    1. Will the move affect the child’s relationship with the parent who is requesting the move? Include whether the circumstances of the contemplated relocation will positively or negatively impact the availability of that parent to provide for the supervision and care of the child.
    2. Will the move affect the child’s relationship with the other parent? Include the extent of that parent's opportunities to establish a pattern of meaningful contact with the child prior to the request for a move away, and the diligence that the parent has shown in availing himself or herself of opportunities to be involved with the child's life.
    3. Will the move disrupt or sever important relationships with a child’s siblings?
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4. Will the move negatively alter the child's involvement with members of the extended family who have been regular caretakers of the child?
  5. Will the child be negatively affected by not seeing his or her peers or friends on a regular basis?
  6. Will the child be negatively affected by not being able to use the same healthcare providers, teachers and coaches he or she currently uses?
- B. How does the age and temperament of the child indicate the necessity of keeping these relationships intact? Include factors such as the child's developmental stage and associated needs to determine the amount of bonding required with each parent, extended family member and other significant social relationships.
- C. How much will the child's ties to the community, including the child's grade level in school and academic performance before and after the separation of the parties, the child's participation in sports and other extracurricular activities, and ties to peer groups be disrupted?
- D. What are the relocating parent's reasons for the move, and what is the extent to which less disruptive alternatives are available and were explored by that parent? Is the relocation of the child for substantial purposes, or for the purpose of disrupting the child's relationship with the other parent? The latter is considered contrary to the best interest of the child. The Court is likely to frown on retaliatory and vindictive behavior meant to alienate the child from the other parent.

Other questions the Court will consider include:

1. Are financial considerations, such as loss of a job or the transfer or promotion of the parent an important part of the request to move? Will the move significantly diminish the standard of living for the child?
  2. Is the relocation necessary for the parent to obtain emotional, financial and childcare assistance from extended family members or other support persons? If so, are there alternatives such as counseling, restructuring the parenting plan or using alternative caretakers that can minimize the need to relocate?
-

3. Does the move enable the parent to develop his or her education and career goals? Are there alternatives that alleviate the need to relocate? If the move means that the children will no longer have access to the parent who stays, wouldn't it be better to change primary custody to this parent? If the move would mean a change in primary physical custody to the parent who stays, would the parent moving away still be interested in making the move? Is the purpose of the move intended to prevent the other parent from having access to the child? Many courts believe that the parent who is most willing to share a child is the better parent to have primary custody.
- E. Does the move involve a new personal relationship or remarriage that is significant and stable?
- F. What is the likelihood of future relocations? What is the history of relocating in the past?
- G. What are the child's wishes regarding the move? Sometimes the child's wishes are considered if the child is old enough to form an intelligent opinion of the move away, however, the Court realizes that children can be inappropriately persuaded to say "yes" to a move that may not be in their best interests.
- H. What are the child's special needs that can best be met in a specific geographic location?
1. Are there medical and mental healthcare providers who will diagnose needs as well as provide any care necessary to permit the child to adjust to the contemplated relocation?
  2. Are there providers and resources at the new location to meet educational and developmental needs, both remedial and enriching that promote the child's special skills and talents?
  3. Can rearranging each parent's timeshare reduce the impact of the move? What are the financial and logistical circumstances?  
Include:
    - a. The child's school schedule.
    - b. The extent that the child's ability to participate in sports and other extracurricular activities will be disrupted or
-

eliminated in order to make significant contact with the other parent.

- c. The availability of each parent to have meaningful contact with the child during the parent's custodial periods. What is the availability and quality of alternative caretakers for the child when the parent is not available for the child?
  - d. The availability of transportation and the financial resources of the parents to pay for the transportation necessary to maintain contact with both parents.
  - e. The availability of regular communication between the child and the other parent in order to maintain consistency of relationships important to the child.
- I. Has there been any established pattern of physically violent conduct by the other parent?

In conclusion, you can see that there are many factors to consider in making a move. By weighing the pros and cons of the move, you will be able to more clearly evaluate and articulate what is in the best interest of your child. Always remember that moving makes it very hard to share the parenting. In most cases, relocating parents should pay most of the cost of access the child regardless of who has custody.

### ***When There Are Bigger Problems***

In some situations there is an instability of one or both parents that must be corrected. Usually a professional person is needed to assess the situation and help parents put corrective measures in place. Frequently, the Court will order intervention programs to help stabilize the situation.

Following are some of the circumstances that may need special attention:

Child Abuse and Neglect

Drug and/or Alcohol Abuse

Domestic Violence

Physical or Mental Health Issues

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### ***Drug or Alcohol Abuse***

These questions are relevant to a parenting plan only if there is a history of abuse or likelihood of future abuse. A drug or alcohol assessment may be ordered. Often a parent is asked to submit to random drug testing. In some cases parents must complete a 12-step program.

### ***Anger Management***

Some parents need to learn how to handle their anger constructively. Anger management and domestic violence classes are becoming more popular. They are usually taught by mental health professionals and provide fascinating information on the nature of anger, how to control it and how to accept responsibility for one's thoughts, feelings and actions. Most participants are really glad they went to these classes.

### ***Parent Education***

In troubled situations, insisting that parents go to a 10-week skill-building parent education course such as Breakthrough Parenting® can do wonders for them because they can learn appropriate parenting methods. In addition, these classes inform parents about child development issues. Even if one parent is clearly the most unstable, it is still in the best interest of the child for *both* parents to complete a parent education course. Children in divided families, especially where one parent is troubled, need both parents to be informed about the state of the art in parent/child relationships.

There are many "how to" books available for parents who want to learn optimal methods for teaching children discipline, including my new book, *Breakthrough Parenting: Moving Your Family From Struggle To Cooperation*, used in parenting classes nationwide.

For more information on the availability of Breakthrough Parenting classes in your area, as well as home study books and tapes, see the web site [www.breakthroughparenting.com](http://www.breakthroughparenting.com) (or call (800) 770-7935 in the U.S. and Canada). The web site also has articles to help parents with common problems, including in divorce situations.

### ***Parent Alienation***

When parents separate, they naturally tend to focus on what they dislike about each other. Acting out these feelings, however, can be very damaging to each other and especially to their children. It takes true maturity from each parent to understand he or she must strive to protect the child's relationship with the other parent. This is in the best interest of the child.

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In the vast majority of separating families the child's sole wish is for the parents to stay together. Children often don't understand the reasons for the separation, even though the parents have done their best to explain it to them. Children are frightened by the changes occurring in their family. Of course, the parents are also feeling unsafe and upset by all of the changes that family restructuring brings.

Denigrating the other parent can do real damage to a child's psychological development and stability.

It takes a mature person to separate his or her own issues with and feelings for the other parent from what is in the best interest of the child. Some parents feel that the end result is that they will lose their children when they divorce, which is the child's greatest fear. Children do not want to lose contact with either parent. As a general rule, when families separate, the best parent for a child is both parents.

When one parent is not careful to protect the child's relationship with the other parent, a process called parent alienation takes place. The qualities that the divorcing parent doesn't like about the other parent is shared either indirectly or directly with the child. The child receives a message that the other parent is a bad person, or somehow not okay or that the parent simply can't be trusted to take care of the child. Following are some examples of more typical situations.

Mother implicitly imparts to a child that he or she is not safe with the father by saying, "Call me as soon as you get there to let me know you are okay." "If you get scared, you call me right away. Okay?" "I'll come get you if you want to come home." "Don't let your father keep you out too late."

Father might say, "Your mother isn't forgetting to put you to bed on time, is she?" "Remember to tell your mother that you want to spend more time with your daddy, okay?" "Who stays at the house over night?" "I worry about you all the time." "Call me everyday and let me know that you are okay."

Alienation is an attempt to subtly make one parent look like he or she is a better parent than the other. Everyone in the family feels insecure, and it is hard to have emotional control around a child. Usually this level of alienation dies down after the separating couple become used to changes brought on by the separation and move on with their lives. If the alienation is pointed out to these parents, most of them have enough control to realize that this is harmful to children and will stop it.

A more serious form of alienation occurs with parents who have little control over their responses to stressful situations. When their anger is triggered, they lose control of appropriate boundaries. They go ballistic. When they calm

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down, they don't want to admit that they were out of control. They are quick to blame the other parent for their problems and continue thinking of themselves as victims. With work, these parents can learn to accept their situation and work with it. They can often be shown how to choose more responsible behavior by gaining control of their emotions. These are parents who can greatly benefit from anger management and qualified parenting classes.

### ***Monitoring***

The purpose of monitoring a parent's time with the child is to provide an opportunity for positive contact between child and parent in a safe environment. For example, monitoring is appropriate if there is an allegation of emotional, physical or sexual abuse of the child by one of the parents, or if there are threats of abduction.

A monitor's primary responsibility is to provide for the safety of the child and of a parent who may be abused by the other parent while spending time with the child. It is not the monitor's job to take sides in the conflict.

Monitoring may be in the best interest of the person being monitored, as it prevents further allegations of inappropriate behavior.

Monitoring can allow a parent to spend time with a child in a neutral, stress-free environment.

Some monitors have received specialized training and make a living of it. Relatives, friends, baby sitters, and domestics need clear guidelines and clear instructions in order to provide adequate monitoring and they are rarely qualified to do this.

**Monitors document observed behaviors between parents and children but do not provide evaluations or recommendations.**

Court orders for monitoring should specify to whom the monitor reports. If necessary, court orders should specify details of the parent's time with the child.

#### *Levels of Monitoring:*

- A. **Monitored Transfer:** A monitor is required to be present during the transfer of the child from one parent to the other. This may be appropriate when there are allegations of partner abuse but no allegations of child abuse. Note that in this situation, it may be sufficient to do the transfer at a busy public location, such as a restaurant.
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- B. **Monitored Timeshare:** A monitor is present within sight and sound of the child at all times during the timeshare period. The location is open.
- C. **Monitored On-Site Timeshare:** The child's time with the parent takes place at a specific location due to potential danger to the child or partner, or because of threats of abduction.

*Standard Orders for Monitoring:*

Orders for monitoring should specify:

1. The level of monitoring required;
  2. The guideline stating whether the child must always be within sight and sound of the monitor;
  3. The conditions under which the monitor interrupts or terminates the time with the parent as to protect the child or the other parent;
  4. To whom, how and when safety problems will be reported;
  5. Who will pay for the service;
  6. Days, times and length of timeshare;
  7. Monitor qualifications and selection method;
  8. Any restrictions (if not specified, there are no restrictions):
    - a. Location;
    - b. Of other persons accompanying the parent;
  9. Prohibited parental behaviors;
    - a. Drug or alcohol use within eight (8) hours prior to or during the designated time with the child. Inappropriate touching or demands for physical contact or affection by the parent;
    - b. Discussion of the Court case;
    - c. Fact-finding questions or comments about the custodial party;
    - d. Corporal punishment;
-

- e. Use of language not spoken fluently by the monitor;
- f. Whispered conversations with the child.

A monitoring contract should include:

1. The name of the monitor or monitoring service;
  2. Names and ID information of parents, and current legal/physical custody status of the child;
  3. Names, ages and dates of birth of all involved children;
  4. Current legal orders, including a termination plan;
  5. Sites and monitor's responsibility for transportation;
  6. Emergency contact of the other parent;
  7. Cost of monitoring service including admission fees;
  8. Limits and consequences of lateness, cancellation and rescheduling; and
  9. Cost and time requirements for written reports or court appearances.
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## **STEP 6: FILLING OUT YOUR PARENTING PLAN WORKSHEET**



Begin making a rough first draft of your parenting plan. Do this by reading through the worksheet pages that follow. Check off or fill in what is easy for you to figure out now. Use a pencil so that you can erase and make changes later. These are merely your first ideas about what is in the best interest of your child. This process is beneficial in that it will help you begin thinking about the more difficult issues. When you have gone through the material once and made your initial decisions, go back over it again and again until you have formulated a solid plan. You can also use the Creating A Successful Parenting Plan Document Disk, see page 95 for information.

Think of writing your parenting plan in the manner that you did a research report in school. Include copies of supplemental information, legal documents and any relevant material for helping others understand what you think is in the best interest of your child. This is where your organization will pay off.

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*Make a back up copy of everything that you put in your parenting plan. Never give away an original of anything without an appropriate backup.*

## **Parenting Plan for**

\_\_\_\_\_

This parenting agreement is between  
 \_\_\_\_\_ (mother) and \_\_\_\_\_ (father).

The agreement is for the period of  
 \_\_\_\_\_ to \_\_\_\_\_.

The parenting responsibilities shall be revised annually at the following time: \_\_\_\_\_. If a new version of this parenting plan is not agreed upon at this time, then the preceding agreement shall remain in effect.

### **Legal Custody**

Decision making power about the child's non-emergency medical care, education and general welfare shall be:

- Joint (both parents)
- Sole (one parent only)
  - Mother
  - Father
- Divided or Alternating

### **Physical Custody**

This means where the child is at any given time and which parent is responsible for everyday decisions.

- Joint (both parents)
- Sole (one parent only)
  - Mother
  - Father
- Divided or Alternating

Our child's primary residence shall be with:

- Mother     Father     Both equally

**Vacations**

YES NO

- Each parent shall have up to \_\_\_\_ days/weeks of vacation with the child per year, subject to the following conditions:*

YES NO

- Vacation time shall be exercised in at least four-day increments.*
- Vacation time shall be scheduled for periods in which school is not in session (exceptions can be made if both parents agree).*
- The vacationing parent shall deliver written notice to the other parent, designating the vacation, at least \_\_\_\_ days in advance and no more than one year in advance.*
- Vacations shall not be scheduled so as to separate the child from the other parent for more than \_\_\_\_ days/weeks.*
- If the vacation falls in the schedule so as to create a longer separation; the vacationing parent shall offer the other parent a 24-hour period with the child just before or just after the vacation.*
- In the event of a conflict between selected vacation times, Father shall have first choice in odd years and Mother shall have first choice in even numbered years. The parent who has first choice that year must exercise his or her choice within ten days of receiving a notice of a proposed vacation from the other parent. If the parent with first choice does not protest within ten days, he or she waives the right to those particular dates.*
- Each parent shall provide the other with a basic itinerary for the vacation at least one week prior to departure to include travel dates, destination and telephone numbers for emergency purposes. If there is a change in plans, the new information shall be provided promptly.*
-

YES NO

*Parents shall be entitled to travel with the child outside of the United States for purpose of vacations during court ordered times without consent of the other party.*

**Special Days**

YES NO

*Parents shall have Special Days, which are an exception to the usual schedule in addition to the Mother's Day and Father's Day assigned to each parent.*

*In such cases a parent may change the usual schedule for up to 24 hours. This shall occur \_\_\_ times each calendar year, according to the following agreements:*

YES NO

*Written notice shall be delivered to the other parent no less than \_\_\_ days and no more than one year in advance.*

*The notice shall designate the specific time period of the Special Day (i.e. dates and pick-up and drop-off times).*

*Special Days shall not be scheduled on the other parent's holidays (including three-day weekends), birthday celebrations or vacations. Special Days shall not be scheduled for events in the child's life in which both parents would ordinarily participate, such as graduations, performances or athletic championships.*

*Special Days shall not be combined so as to separate the child from the other parent for more than the maximum amount of time permitted for vacations.*

*No more than two Special Days shall be used together.*

*The parent exercising Special Day privileges shall provide all transportation unless the transitions occur at regular school, day camp or after-school care transition times.*



**Three-Day Weekends**

YES NO

- Whenever a Monday or a Friday is a school holiday (during the school year) or legal holiday, the weekend shall be extended by 24 hours to include that holiday.*

**Transportation/Exchanges**

YES NO

- On those days when one parent picks up the child from the other parent after 6 p.m., the parent who was with the child before 6 p.m. shall ensure that the child has completed his or her homework and has eaten dinner.*
- The parents shall alternate transportation responsibilities to and from exchanges.*
- Pick-up/drop-off shall be at a school/public place such as a restaurant or park. State location:*

\_\_\_\_\_  
\_\_\_\_\_  
*Others who may share driving responsibilities are:*

\_\_\_\_\_  
\_\_\_\_\_

- In the event that the child is ill at a transition time, the other parent shall be notified and appropriate plans made for how to care for the child.*
- The parent with whom the child spends the first part of a major holiday such as Thanksgiving Day or Christmas Day shall, at least one week prior to the holiday, notify the other parent in writing of the location at which they shall meet to exchange the child. This location shall be within 25 miles of the other parent's home, if no other agreement is in place.*
-

**Right of Refusal**

YES NO

- When a parent intends to leave the child in the care of someone else for a period of overnight or longer, that parent shall first offer the other parent the opportunity for additional time with the child.*

*Exceptions to the above are: sleepovers at the homes of relatives or friends or similar activities of a primarily social nature.*

**After-school Care**

The daycare or after-school programs in which shall the child be enrolled are: \_\_\_\_\_

(Write out schedule, including location and times of drop-off and pick-up.)

Monday	Tuesday	Wednesday	Thursday	Friday

YES NO

- Each parent shall be notified as to where the child will be after school while in the care of the other parent.*
- Either parent shall have the right to remove the child from after-school care in order to spend more time with the child if the other parent is not available to spend time with the child at that particular time. The other parent shall be notified promptly as to where the child is and where the exchange shall take place.*

**Education**

*The child's educational requirements shall be determined by:*

- Mother    Father    Both Parents

*The recommended public or private school for now is:*

---

*Other schools to consider in the future are:*

---



---

*The parent(s) who shall attend parent/teacher conferences is (are):*

- Mother    Father    Both Parents

*Parents shall keep each other informed about school events by:*

---



---



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YES NO

- Both parents shall have access to school records and personnel.*
- Parents shall confer concerning major educational issues such as repeating or skipping a grade, assessing for special education programs or gifted programs.*
- Written consent shall be provided to remove the child from an existing school or to place the child in another school.*
- Mother    Father shall be listed as person(s) to be notified in case of an emergency. Their names, telephone numbers and addresses shall be listed on all school, caretaker, healthcare provider and activity records.

### **Enrichment Activities**

YES NO

- The parent who has responsibility for the child on a particular day shall participate in activities such as field trips or athletics.*
- Each parent shall get approval from the other parent before planning enrichment activities, such as music lessons or sporting activities, when these activities fall on the other parent's time.*
- Parents shall consult one another about summer sleep-away camps or day camps by May 1<sup>st</sup> of each year.*

*Special needs or talents that need to be addressed in order to supplement the child's education are:*

---



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*Extracurricular activities that I think are important for our child are:*

---



---

*Our child shall attend organized activities such as: Little League, Boy Scouts or School Activities.  
Be specific:*

---



---

### **Religious Training**

*The religion the child shall be raised in is:*

---

*The child's religious training shall be handled by:*

---

*Anticipated times and ages when this training or special religious ceremonies are likely to occur are:*

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**Medical Care**

The person who shall take the child for medical check-ups and treatment is:

Mother     Father     Other \_\_\_\_\_

Receipts for shared medical expenses and an itemized list shall be provided to:

Mother     Father     Other \_\_\_\_\_

Our child's healthcare providers are:

Medical:	Name:	_____
	Address:	_____
	Phone:	_____
Dental:	Name:	_____
	Address:	_____
	Phone:	_____
Vision:	Name:	_____
	Address:	_____
	Phone:	_____

YES NO

- In the case of an emergency, either parent shall have permission to take the child for treatment. The other parent shall be notified within \_\_\_\_ hours of the incident. Details shall be provided such as the child's condition, location, information regarding how to locate a physician, hospital or other healthcare provider.*
- Parents shall make medical decisions by consulting with the other parent. If there is a lack of agreement, parents shall seek help for deciding from: \_\_\_\_\_*  
*Information about the child's medication shall be exchanged by: \_\_\_\_\_*
- Each parent's itemized medical expenses for the child shall be provided to the other parent monthly, and the amounts will be combined and divided between them.*

*In case of an emergency, the care-providing parent shall contact the other parent. If the other parent is not available, then the following additional person shall be contacted in place of the other parent:*

*For Mother, contact:*

*Name:* \_\_\_\_\_  
*Work phone:* \_\_\_\_\_  
*Home phone:* \_\_\_\_\_  
*Pager:* \_\_\_\_\_

*For Father, contact:*

*Name:* \_\_\_\_\_  
*Work phone:* \_\_\_\_\_  
*Home phone:* \_\_\_\_\_  
*Pager:* \_\_\_\_\_

YES NO

- Each parent shall seek routine healthcare for minor or ongoing conditions from the child's regular healthcare provider.*
- Parents shall coordinate medical, dental and vision care by deciding with the other parent. If no, who will decide?*  
 \_\_\_\_\_
- If there is insurance available for a particular type of healthcare, neither parent shall select or utilize a healthcare provider who is not a preferred provider under the terms of the policy without the written consent of the other parent.*

**Mental Health Care**

*The parent who will decide what mental health professional to go to and who will determine how long the treatment will last shall be:*

Mother     Father     Both

*Payment for the child's therapy shall be made by:*

Mother     Father     Both (Shared \_\_\_\_\_ )

YES NO

       *Both parents shall be able to speak with the mental health professional regarding the child's progress or to address ongoing concerns.*

       *Written consent shall be provided to change or terminate therapy for the child.*

**Medical and Dental Insurance**

*Medical insurance for the child shall be carried by:*

Mother     Father     Other \_\_\_\_\_

*Dental insurance for the child shall be carried by:*

Mother     Father     Other \_\_\_\_\_

*A vision care plan shall be paid for by:*

Mother     Father     Other \_\_\_\_\_

*Medical, dental or vision care costs not covered by the insurance shall be paid for by:*

Mother     Father     Both (Shared \_\_\_\_\_ )

### **Financial Support for Our Child**

The amount of money that shall be paid in child support:

\$\_\_\_\_\_ per \_\_\_\_\_ (week, month)

by  Mother to Father  
 Father to Mother

Support shall be paid according to the following time schedule: (Example: \$250.00 on the 1<sup>st</sup> and 15<sup>th</sup> of each month)

The support money shall be delivered:

By mail     In person     Other (Never use the child): \_\_\_\_\_

The child's education shall be paid for by:

Mother     Father     Shared     Other \_\_\_\_\_

Extracurricular activities shall be paid for by:

Mother     Father     Shared     Other \_\_\_\_\_

State and federal tax deductions for the child shall be claimed by:

Mother     Father     Alternating – odd years \_\_\_\_\_

Other financial arrangements that shall be made for child's future education after high school are:

### **Assuring Future Support**

YES NO

Parents shall maintain a \$\_\_\_\_\_ life insurance policy, payable to \_\_\_\_\_

Parents shall set up a fund/savings account to be used towards the child's college education. If yes, describe in attached document.



**Clothing**

YES NO

*Each parent shall maintain adequate clothing and accessories for the child's use with the expectation that as long as it fits, clothing shall be used in both households. The child's clothing belongs to the child and shall be used in both households. Clothing purchased by one parent shall either be worn back to that parent's home in the natural course of events within a few days or shall be returned laundered. Items such as jackets, tennis shoes and boots, which do not exist in duplicate in the child's wardrobe, shall move between households with the child. When moving back and forth between households, the child shall be dressed in properly fitted clothing that is in good condition.*

**Surname**

The child's surname (last name) shall be: \_\_\_\_\_

YES NO

*When a parent marries, the child shall be allowed to call the new person "Mom" or "Dad."*

**Extended Family & Special Friends**

YES NO

*The child shall maintain contact with grandparents and extended family on both sides. Exceptions to this are:*

\_\_\_\_\_

*Other people who shall be encouraged to be available for the child are:*

\_\_\_\_\_  
\_\_\_\_\_

### **Communication Between Parent and Child**

YES NO

- Each parent shall provide continuous contact for the other parent by telephone at a specified time.*
- Parents shall make the utmost effort to facilitate comfortable, natural telephone communication between the child and the other parent.*
- The following hours are agreed upon as reasonable times for calls so that household life is not disrupted:*
- \_\_\_\_\_
- \_\_\_\_\_
- The parents shall allow the child privacy for telephone conversations with the other parent. No recordings of these conversations shall be made.*
- Telephone communication with the child shall occur \_\_\_\_\_ times per week.*
- The parent with whom the child is residing is responsible for ensuring a return call to the other parent within a reasonable length of time in the event that a message is left or a call is initiated at an inconvenient time.*
- Parents shall not call the child earlier than 8 a.m. or later than 9:00 p.m., except in case of an emergency.*
- Whenever holidays, vacations or special days cause the child to be separated from a parent for more than three days, the parent caring for the child shall ensure that at least one telephone call every other day is completed between the child and the other parent.*
- Parents shall protect the child from exposure to animosity toward or disparagement of the other parent, including by other family members, friends or associates.*
- Parents shall not make any negative personal remarks about the other parent within hearing distance of the child, including the opportunity of the child to overhear personal or unflattering telephone conversations of a parent either with the other parent or about the other parent.*

**Communication Between Parents**

Parents shall communicate with each other:

YES NO

- |                          |                          |                     |
|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <i>in person</i>    |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>by telephone</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>by fax</i>       |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>by e-mail</i>    |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>by logbook</i>   |

Parents shall reach mutual decisions about child's care by:

YES NO

- |                          |                          |                                                                                                                                                                                                                                                       |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <i>When one parent makes important independent decisions affecting the child's life, that parent shall inform the other parent by:</i><br><hr/>                                                                                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Each parent shall provide the other parent with the address and phone number at which the child lives and notify the other parent within 48 hours of any temporary change of address and/or telephone number.</i>                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Each parent shall provide advance notification to the other parent of proposed and forthcoming medical care and shall notify the other parent immediately of illnesses requiring medical attention or any medical emergencies involving child.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>A logbook that is shared between parents shall be transported by the child from one parent to the other to provide continuity in childcare and to cite all important events, emotions, physical state and medications of the child.</i>            |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>The other parent shall be informed of new people in the child's life such as daycare help, hired help and friends.</i>                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Each parent shall promote respect and affection for the other parent by not talking in a demeaning way about the other parent in front of the child.</i>                                                                                           |
-

YES NO

- Parents shall assist the child in remembering the other parent on special occasions, birthdays or when the other parent is ill.*
- Both parents agree to never use the child to carry adult messages to the other parent.*
- Parents shall ask permission before scheduling events involving the child during the other parent's time.*

*Each parent shall provide for the other parent promptly all communications and information regarding the following:*

- Healthcare providers*
- Report cards*
- Newsletters and bulletins*
- Lunch orders and menus*
- Order forms for school pictures*
- Invitations to special events including school, birthday parties or other activities that fall on the other parent's time*
- Notice of activities involving the child*
- Results of all standardized or diagnostic tests or evaluations of child progress, performance and/or ability*
- Other: \_\_\_\_\_*
- \_\_\_\_\_

YES NO

- Agreements shall be written in a business letter style, and a copy shall be sent to the other parent.*
- Samples of child's schoolwork and other projects shall be shared with both parents.*
- Parents shall harmonize the child's routines and schedule from house to house. Each parent shall let the other parent know about bed times, nap times and other routines.*
- Each parent shall advise the other parent of his or her current address, residence telephone number and employment telephone number, fax number or e-mail address. Each parent shall notify the other parent of any change of address or telephone number.*

**Corporal Punishment**

YES NO

*Parents shall not use corporal punishment.*

*The expectations parents have on disciplining child are:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If parents shall use corporal punishment, the extent of the punishment shall be:*

\_\_\_\_\_  
\_\_\_\_\_

*Other people shall be allowed to use corporal punishment on child. If so, who?*

\_\_\_\_\_  
\_\_\_\_\_

*If a child complains about discipline in the other parent's home, the other parent shall communicate this to the other parent by:*

\_\_\_\_\_  
\_\_\_\_\_

**Parent Education Classes**

YES NO

*Both parents shall be required to finish an advanced skill-building parent education program. If yes, what program is suggested?*

\_\_\_\_\_  
\_\_\_\_\_

*Proof of completion of the class shall be provided to the other parent.*

### **Safety Issues**

Safety issues that need to be addressed are:

YES NO

- Parent shall not use alcohol or drugs eight (8) hours before assuming responsibility of the child or while the child is in his or her care.*
- Firearms shall be safely locked away or stored off the premises.*
- Both parents shall get a CPR certificate. If so, where is CPR training available?*

\_\_\_\_\_

\_\_\_\_\_

### **When One Parent Wants to Move**

YES NO

- Each parent shall be restrained from changing the child's residence to outside of a 15-mile distance from the child's school/current residence without the written consent of the other parent or orders from the Court.*
- The other parent shall receive a 45-day notice about a pending move away.*

### **Consent**

Written consent of both parents is required for:

- Changing the child's regular healthcare provider*
- Major non-emergency surgery*
- Participation in dangerous activities*
- Change of child's surname*
- Issuance of a work permit*
- Signing for a driver's license*
- Issuance of a marriage license*
- Enlistment in the armed forces*
- Other: \_\_\_\_\_*

---

**International Travel and Passports**

YES NO

- The child's passport shall be available to both parents. If no, which parent shall keep the child's passport?*

---

*Describe circumstances under which a child shall be permitted to leave the country.*

---

**Failure to Comply**

YES NO

- Failure to comply with the agreements set forth in this parenting plan shall be grounds for taking legal action to correct the situation.*
-

**My Schedule: Time Available for Our Child**

<i>Time</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>	<i>Sunday</i>
6:00am							
7:00							
8:00							
9:00							
10:00							
11:00							
12:00pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							
9:00							
10:00							
11:00							
12:00am							
1:00							
2:00							
3:00							
4:00							
5:00							
<b>TOTAL HRS</b>							



**TIMESHARE CALENDAR**  
**A Four-Week Schedule**

	MON	TUE	WED	THU	FRI	SAT	SUN
Week 1							
Week 2							
Week 3							
Week 4							

Designate pick-up/drop-off locations and times.

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HOLIDAY/VACATION SCHEDULE**

*For holidays, vacations and special days, the following shall replace the usual schedule.*

<b>HOLIDAY SCHEDULE</b>			
<b>HOLIDAY</b>	<b>TIME</b>	<b>EVEN YEARS</b>	<b>ODD YEARS</b>
New Year's Eve			
New Year's Day			
Martin Luther King Day			
President's Birthday			
Passover			
Easter Sunday			
Mother's Day			
Memorial Day			
Father's Day			
July 4 <sup>th</sup>			
Labor Day			
Yom Kippur			
Rosh Hashanah			
Halloween			
Thanksgiving			
Hanukkah			
Christmas Eve			
Christmas Day			
Personal Holiday			
Personal Holiday			
Child's Birthday			
Mother's Birthday			
Father's Birthday			
<b>VACATION SCHEDULE</b>			
Winter Vacation – 1 <sup>st</sup> Half			
Winter Vacation – 2 <sup>nd</sup> Half			
Spring Vacation – 1 <sup>st</sup> Half			
Spring Vacation – 2 <sup>nd</sup> Half			
Summer Vacation			
Other			

## ***When There Are Bigger Problems***

### ***Drug or Alcohol Abuse***

YES NO

- There shall be a drug/alcohol assessment for:*
- Mother*  *Father*
- Mother*  *Father shall submit to random drug testing for the standard panel of drugs with a release signed that the results shall be sent to:*
- The other parent*  *Attorney for both sides*
- Other* \_\_\_\_\_
- Mother*  *Father shall attend* \_\_\_\_ *number of AA or NA meetings per week.*
- If either parent suspects the other parent of being under the influence of drugs or alcohol at the time of the exchange the child, the child shall not be released to that parent. Either parent shall contact law enforcement to assist as appropriate.*

### ***Anger Management***

- Mother*  *Father shall attend* \_\_\_\_ *anger management classes.*

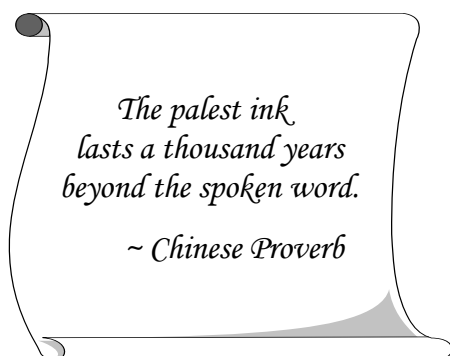
### ***Monitoring***

*Timeshare for*  *Mother*  *Father shall be monitored.*

- A mutually agreed upon third party to be the monitor shall be:*  
\_\_\_\_\_
- Above named third party must be a professional monitor.*
- Above named monitor shall be paid for by:*  
\_\_\_\_\_



## STEP 7: MAKING YOUR AGREEMENT LEGAL



Even when parents can agree, it is best to take the extra step and have your plan entered as a court document. Circumstances change and so do goodwill feelings. If you do not have a legal document in place regarding your agreements, it could end up that your casual agreement is easily reversed.

### ***Negotiating the Agreement***

Be flexible. If you are rigid, and the other parent is rigid, there won't be the give and take needed to figure things out. Thinking takes time. So does negotiating. Parents can be worlds apart on their ideas initially and in time still work out a successful plan.

### ***Working with Professionals***

Some lucky parents have the ability to work together easily on their parenting plan. Many, however, will need to use a variety of professionals to help. For example, a counselor or therapist may greatly assist in helping people control their emotions and focus on their child.

---

Another excellent resource, which many parents don't know about, is a professionally trained mediator. These professionals have had training in assisting individuals who are in conflict to get past their emotions and to work out solid solutions to their problems.

Another helpful professional might be an arbitrator, who can make a binding decision for you, or a lawyer, who can litigate the issue in order to achieve a court decision.

By now, you can see that your preparation of a parenting plan will help you with any professional that you might need for your case. These people have specialized training in how to help parents create the best possible parenting plans and are often used when parents cannot agree. The four categories of professionals you may want to use are:

- 1) Counselors
- 2) Mediators
- 3) Arbitrators
- 4) Litigators (Lawyers)

Unfortunately, many people think that the only answer to a dispute is to fight by going to court (litigating). Going to this expense and effort should be a last resort. If the parents are not able to decide the custody issues within the family, then another person – a judge – will decide the custody of their child.

Litigation is an adversarial process that is hostile, combative, destructive and time-consuming. In the end, many litigants do not end up thinking that the final decision is just or fair. Thus, it is far better to exhaust all other resources in order to arrive at a responsible agreement with the other parent.

### ***Counseling***

There are many kinds of counselors who can be helpful when families divide. If this is your first time going through a separation or divorce, you can benefit from a specialist who can help keep you on track in resolving your custody issues successfully.

---

Processing emotional issues in the safe environment of a therapist's office can be very beneficial. For many people, the tremendous emotional strain involved in separating from the child's other parent can be unmanageable without outside help.

A child may also need the help of an understanding therapist who specializes in working with children. Often, children do not show outward signs of their inner turmoil. However, their pent-up feelings, hurts and questions can explode in irrational, damaging and seemingly unexplainable behavior later on.

Furthermore, there are enormous physical stresses involved in a separation. It is advisable to consult your physician to make sure your health is not neglected.

***Self-sacrifice is not a virtue. Eat healthful foods and exercise frequently.  
Take care of yourself!***

Addressing the spiritual dimension as well as the emotional and physical aspects of the custody experience can be invaluable. Your spiritual counselor may also be an important resource to guide and comfort you.

### ***Mediation***

Mediation is the newest, most innovative alternative to litigation in the area of dispute resolution. It is catching on fast, as more people experience how effective the process can be. A mediator may be an attorney or mental health professional who is trained in assisting parents to creatively restructure their family. They are very good at figuring out details for your plan that you may never have thought of because you haven't had that kind of experience. A good mediator can be worth his or her weight in gold!

The advantages of mediation are:

- 1) Mediation saves time;
- 2) Mediation saves money;
- 3) Mediation saves emotional health; and
- 5) Mediation saves families.

Mediation saves time because it is not dependent on the congested courts for a decision. Decision-making can move swiftly. The reorganization of the family can be stabilized in far less time than the typical court case, which can take months and even years.

The longer a case is dragged through the courts, the more financially costly it becomes. It has often been said that litigating parents end up paying for the college education of the attorneys' children, rather than of their own.

Mediation preserves the mental health of family members because it is basically a creative process that is positive. Unlike litigation, which tends to polarize parents by focusing on the past, the focus in mediation is toward the future and on helping people to rebuild their lives in a way that will be mutually beneficial. Where children are concerned, this can make a difference that cannot be calculated in dollars and cents. Only mediation offers a win/win option. It is the best way to help families reorganize lovingly and to avoid casualties.

In order to be successful at mediation, parents must be able to agree on basic ground rules. This means being willing to negotiate and to disclose all financial matters. They must be willing to agree to a plan and to follow it. This requires a degree of honesty and trust that angry, hostile parents do not have. Unless impossible to do so, both parents should share in the costs of mediation. Unless both parents are equally invested in the process, mediation is often unworkable. Mediation is a cooperative joint venture, which requires equal participation, cooperation and involvement.

If you are able to work out an agreement, then your mediator will most likely be able to send you to a paralegal who can draw up your papers. An attorney can also do this. Once this is done, you have the benefit of going to the fast lane and have the Court stamp the papers to make them legal. As you can imagine, working out your parenting plan this way costs the least amount of money, is less aggravation and will most likely give you a result that you are comfortable with.

### ***Arbitration***

Arbitration is desirable when an agreement cannot be reached, yet the parties still wish to save the costs and expenses of litigating through the regular route of the judicial system. Arbitration is more like litigation in that the parties present their respective position, evidence, testimony and witnesses to a person, such as a commissioner or judge, who will try the facts. The arbitrator may be a judge, an experienced trial lawyer or some other professional selected from a group of competent arbitrators. The American Arbitration Association is a good resource for finding a qualified arbitrator (see *Resources for Parents* on page 109). Most courts sponsor and encourage arbitration programs.

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In some locations you may be able to use a “Rent-A-Judge.” There are several experienced, retired Superior Court judges who are available to sit as judges on a private basis. In the “Rent-A-Judge” program your case is heard in a conference room just as it ordinarily would be heard in a courtroom, except without the delays and interruptions typical of a courtroom with a heavy case load. This procedure also offers the advantage of ensuring the full concentration of a judge who is not distracted by a lengthy trial or who hears a large number of cases. Arbitration is much less expensive than litigation.

### ***Litigation***

In cases where one or both parents refuse to cooperate with one another, often the only way to proceed is to hire a lawyer and go to court. Family law attorneys are specialists in a highly technical field that changes virtually everyday. The average person is not going to know the legal implications of what is being decided. The lawyer is your eyes, ears and voice in court. This person is your advocate, who will interpret the law as it applies to your situation and who will help you with a legal strategy to resolve the issues.

Lawyers are not created equally! It pays to do some research and shop around. Figure out what kind of family lawyer is best for your case. For example, if you think that you can mediate successfully, don’t go to a lawyer who specializes in litigation. Interview at least three lawyers if you can. Most lawyers will charge little or nothing for the first meeting. They know that you are shopping around. Listen to what the attorney says he or she can do for you. How do you feel around this person? Is there compassion for your situation or do you feel like you are going to be bossed around?

You will be a team player with this lawyer. Does the lawyer have a specific strategy for resolving your case? Check to see how long the person has been practicing family law.

If after the fact you find that you have chosen badly, change lawyers. “Hindsight is 20/20” is an expression that fits here. Do your homework up front and you are less likely to have serious regrets later.

Most lawyers can be hired on an hourly basis to consult with you, to make sure that you are on the right track legally. There are also lawyers who will represent clients at a reduced cost. Attorney fees vary according to the experience and orientation of the attorney. An attorney who favors litigation or trials will end up costing you more than an attorney who favors settlement outside of court.

***You must pick an attorney who specializes in family law.***

Another alternative might be to find legal assistance centers where “pro bono” lawyers donate their time to help people with their legal issues. The center may charge a modest amount for the service.

An alternative to hiring a lawyer is to be “in pro per,” meaning to represent yourself. However, this is a very risky path. Those who are most successful spend a lot of time researching the law, figuring out how decisions are made and finding important precedents (previous court decisions for similar situations). Most people who successfully represent themselves “in pro per” have consulted with a family law specialist. This person will let you know if you are on solid legal ground.

A paralegal can draw up the necessary paperwork and guide you through the filing process. Paralegals are not allowed to practice law, but may be able to help you decide if you can do it yourself or if you need a lawyer.

All of the work that you have done in creating a successful parenting plan will help your lawyer understand your situation and will save you a lot of time and money. It helps you be on the same team, working together.

### ***Study a Sample Parenting Plan***

Notice how the sample parenting plan located on the following pages is written. Yours will be very different in content, but the sample can help you see what your version needs to look like.

In this example plan for a 6-year-old girl named Sally, the parents were able to communicate with each other reasonably well. This plan was adopted by the Court with little modification, because it was well thought-out and fit the needs of the family.

---

### ***Preparing Your Own Parenting Plan***

Your own parenting plan should of course reflect your unique family setting and needs. After filling in the worksheet plan on pages 66-88 in this book, you can submit it a photocopy of this, or you can re-type it in a new document.

There is however an easier way to prepare a polished parenting plan that is ready to present to the court. The *Creating A Successful Parenting Plan Document Disk*, available from the offices of many family lawyers, mediators and divorce counselors nationwide, allows you to fill in the plan on the screen of your computer and then print out in any format you desire.

If you can't find it locally, you can also get it directly from the publisher at the web site [www.breakthroughparenting.com](http://www.breakthroughparenting.com) or by using the order form at the end of this book. This disk contains templates for the parenting plan in this book, ready to be filled in and edited on the screen to fit your own specific needs.

---

**SAMPLE PARENTING PLAN**

1. This parenting plan for Sally Stephens is an agreement between John and Mary Stephens, and can be altered by mutual agreement of both parties in writing or by further court order. This agreement shall be reviewed in the month of February each year until Sally is 18. If the parents cannot agree, the services of a professional mediator shall be used. If no agreement is reached to change the plan, then there will be no change to the existing plan.
2. Mother and Father shall share and participate in the joint legal and physical custody of Sally.
3. Week One: Sally shall reside with her Mother. On Wednesday Father will pick up Sally after school or at 3:00 p.m. and keep her until for dinner until 7:30 p.m. and take her back to her mother's. Mother will deliver Sally to school on Monday morning or to her father's by 8:00 a.m. if there is no school.

Week Two: Sally shall reside with her father. On Wednesday, Mother shall pick up Sally after school or at 3:00 p.m. and take her back to her father's at 7:30 p.m. after dinner. Father will take her to school on Monday morning or deliver her to her mother's at 8:00 a.m.

Week Three: Same as Week One.

Week Four: Same as Week Two.

4. Holiday schedule is attached. Vacations shall not exceed a total of two weeks per parent per year. Each parent shall provide the other with at least 30 days advance written notice of his or her intent to take Sally on vacation. Each parent shall provide the other parent with the location information and Sally's itinerary for the vacation, including telephone numbers in case of an emergency. Parents will notify each other about allowed Special Days two or more weeks in advance. The parents shall negotiate exceptions to the above schedule as the need arises.
  5. Each parent shall be restrained from changing Sally's residence to a location outside of the school district without the written consent of the other parent or further orders of the Court.
-

6. Sally shall continue to attend Pineridge Elementary School, and the tuition shall be equally shared between the parents. All other major decisions regarding her education, such as academic pursuits at school, the signing of report cards, after-school activities and cultural/artistic training shall be made jointly.
7. The parent with whom Sally is living at that time shall have responsibility for daily care and shall make necessary decisions regarding emergency medical or dental care. Both parents shall approve non-emergency health treatment, all major medical and psychiatric decisions, dental or cosmetic surgery. This includes all issues of general welfare such as the acquisition of a passport, a change of name or signing for a driver's license. All of the above shall be made by the written consent of both parents or further orders of the Court.
8. Each parent shall see that Sally's medical, surgical, dental and school records are available to the other parent.
9. It is expressly understood that the time each parent shall be with Sally and responsible for her care is subject to modification by mutual agreement. Flexibility in childcare responsibilities and involvement are to be encouraged and the terms of this agreement are to be liberally interpreted to allow Sally the maximum benefit to be derived from the love, concern and care of both Mother and Father. Each parent shall promote in Sally respect and affection for the other parent.
10. This agreement shall not be affected by the remarriage of either parent.
11. Both parents shall keep each other informed of his or her current address and phone numbers by telephone, e-mail, letter or in person.
12. Each parent shall welcome pictures of the other parent or mementos of time spent with the other parent as her private property and accept her storing these in her bedroom in either home.
13. Each parent shall be entitled to reasonable telephone communication with Sally; and all calls are to be completed before 9:00 p.m. Each parent or live-in mate is restrained from unreasonably interfering with the right to privacy during such conversations and from listening on an extension telephone or other type of telephonic listening device.
14. Any expense or financial liability created by Sally accidentally or through acts of negligence, vandalism or malicious mischief to other persons or property shall be shared equally by both parents.

15. Each parent shall permit and encourage communication by the other parent with doctors, clinics and other healthcare providers regarding Sally's health and welfare. Each parent shall provide advance notice to the other parent of proposed and forthcoming medical care, and each shall notify the other as soon as possible or within 24 hours regarding illnesses and all medical attention.
  16. Parents shall alternate years of claiming Sally as a Federal and State dependency tax deduction. Mother shall have odd years; Father, even years.
  17. In the event that either parent intends to leave Sally for twelve (12) hours or longer, that parent shall first offer the other parent an opportunity for the additional time before making other arrangements for temporary care.
  18. Each parent shall notify the other of the telephone number and address where Sally will be spending the night.
  19. For the benefit and continuity of Sally's education and learning, each parent shall cooperate, follow through and assist Sally with her educational programs when in his or her care.
  20. Each parent shall keep the other parent up-to-date on all items of interest, and shall make copies of schedules, report cards, medical test results, names and addresses of all of Sally's friends and regular activities.
  21. Both parents shall maintain a logbook in which they can communicate with each other regarding Sally. Questions, schedules and positive statements may be included, but no complaints of the other party shall be written down. The logbook shall be exchanged at the time of transfer.
  22. Each parent shall allow Sally to have liberal time with maternal and paternal grandparents.
  23. Both parents shall complete a skill-building parent education program and provide the other parent with a document that proves successful completion of the program.
  24. Each parent shall assist Sally in a traditional way in remembering important dates like Mother's Day, Father's Day, birthdays of Mother and Father, Christmas, Valentine's Day, as well as special occasions and "get well" situations.
-

25. Both parents shall maintain Sally on their medical insurance policies, and Father shall maintain Sally on his dental insurance policy. Any expense incurred as the result of medical or dental treatment shall be shared equally by both parents. This includes deductibles and any other expense that is not covered by the insurance plans.
26. Neither parent shall make any disparaging or derogatory remarks about the other parent while in Sally's presence. Both parents are restrained from allowing a live-in mate to make such remarks in Sally's presence. Each parent shall remove Sally from the presence of anyone who is making derogatory statements concerning the other parent.
27. Neither parent shall use Sally for communicating with the other parent, nor shall either parent encourage Sally to deceive or be dishonest to the other parent.
28. Each parent shall have the right to attend and/or accompany Sally to organized activities such as parent/teacher conferences, gymnastics, dance recitals, Girl Scouts or other important school activities.
29. During a vacation or family function, neither parent shall remove Sally from the State of New York without the written consent of the other parent. Such consent shall not be unreasonably withheld.
30. Neither parent shall deny Sally time with the other parent because of her being disciplined or ill or because of her refusal to go to the scheduled parenting time, unless there is an emergency.
31. No one shall be allowed to use corporal punishment on Sally. Both parents are restrained from allowing live-in mates or anyone else to administer punishment.
32. Parents shall not harass, annoy, threaten or strike the other in any manner whatsoever.
33. Each parent shall see that any mail or packages addressed to Sally from the other parent are given to her unopened.
34. Both parents shall attempt to work together to resolve disputes. Both parents wish to avoid unnecessary expense and shall use the services of a mediator to resolve disputes before seeking further relief or modification from the Court.

Attachment: Sally's Holiday/Vacation Schedule

## SALLY'S HOLIDAY/VACATION SCHEDULE

Both parties agree that this holiday and vacation schedule shall take precedence over the regularly scheduled time(s). When possible, all exchanges shall take place at school at Sally's regular pick-up and drop-off times.

<i>HOLIDAY SCHEDULE</i>			
HOLIDAY	TIME	EVEN YEARS	ODD YEARS
New Year's Eve	3:00pm	MOM	DAD
New Year's Day	Pick-up at 12:00pm	DAD	MOM
Martin Luther King Day		DAD	MOM
President's Birthday		MOM	DAD
Passover			
Easter Sunday		MOM	DAD
Mother's Day		MOM	MOM
Memorial Day		DAD	MOM
Father's Day		DAD	DAD
July 4 <sup>th</sup>		MOM	DAD
Labor Day		DAD	MOM
Yom Kippur			
Rosh Hashanah			
Halloween		MOM	DAD
Thanksgiving		DAD	MOM
Hanukkah			
Christmas Eve	3:00pm	DAD	MOM
Christmas Day	12:00pm	MOM	DAD
Special Day		TBD	TBD
Special Day		TBD	TBD
Child's Birthday		DAD	MOM
Mother's Birthday		MOM	MOM
Father's Birthday		DAD	DAD
<i>VACATION SCHEDULE</i>			
Winter Vacation – 1 <sup>st</sup> Half	12/20 after school to 1pm 12/26	MOM	DAD
Winter Vacation – 2 <sup>nd</sup> Half	12/26 1pm to 1pm 12/31	DAD	MOM
Spring Vacation – 1 <sup>st</sup> Half	After school 3:00pm	MOM	DAD
Spring Vacation – 2 <sup>nd</sup> Half	Monday morning exchange	DAD	MOM
Summer Vacation	2 weeks in summer, decide by May 1	BOTH	BOTH
Other			







# Appendix



## ***Preparing for a Child Custody Evaluation***

Some families have problems that are so difficult that no one knows what is true or how to decide what is in the best interest of the child. In cases where there are allegations of mental illness, rages and violence, inappropriate sexual behavior, destructive parenting practices, or any number of other problems, a child custody evaluation may be ordered. The evaluator is a specialist in unraveling the allegations and in finding facts. They are in the role of an investigator who will make an extensive report to give to both attorneys and the judge in the case.

***While you will pay the bill, it is important to realize that the evaluator is working for the Court, not for you. This person is not your friend or therapist, rather he or she serves in the role of an investigator.***

These evaluators are likely to investigate every family member who is involved with a child and, in some cases, the parents' friends who also interact with the child. They will review documents, declarations, and other kinds of evidence. They may call the children's teachers or speak with the pediatrician. In some cases comprehensive personality tests will be done by another specialist.

The evaluator will compile a report of his or her findings including a series of recommendations to your attorney or directly to you if you are representing yourself. These recommendations are components of a parent plan. All of this information will eventually be given to the judge. The judge will usually decide the child custody issues according to the recommendations of the evaluator. These recommendations will become the law in your family. ***It pays to be prepared for this process.***

***What prevails in court is not necessarily the truth, but rather the appearance of truth.***

If you do not supply your attorney, the evaluator and the judge with accurate information, you will not get optimal results. Trying to set straight faulty recommendations will be extremely difficult and very costly for you. ***In fact, these recommendations are nearly impossible to change.***

The best way that you can prepare for a child custody evaluation is to complete a well thought-out parenting plan yourself. Present your plan with all of your supplemental evidence to the evaluator early in the process. In doing so, you will have provided the evaluator with a baseline to work from. The truth is that no stranger to your family will know everything that you know, even after all the

work required to write the final report is done. Only you know your history, plans and needs of your children in detail. Therefore, you are likely to influence the result of report by organizing key information and presenting it to the evaluator early in the process.

Furthermore, you can strengthen your position in a custody evaluation by reading the latest parenting books and by enrolling in the best parent education class that you can find. Most parents use methods passed down by previous generations, which may be sadly out-of-date. We now know much more about how to parent children optimally. You can count on the fact that the evaluator is looking at how informed you are as a parent and the quality of your parenting skills. With a little effort, you don't have to come up shorthanded.

### ***Preparing for Help from Professionals***

Many parents have found that the following degree of preparation is extremely useful in helping the evaluator understand what has happened in your family and your ideas about how what is in the best interests of your children. This evaluator doesn't need to know everything, only what is relevant to making the decision about how you will raise your children.

Prepare a notebook of information for the professionals who are helping you. Include the following:

1. Title page, including today's date.
  2. Include a photograph or two of your child. Acquaint the evaluator with your child. Include comments about the child's personality, talents, interests and special needs, such as:
    - a) How is your child adjusting to the changes in your family?
    - b) How can you help resolve post-separation issues? Have you explained to your child that he or she is not the cause of nor responsible for your separation with the other parent?
    - c) What is the best method for disciplining your child?
    - d) Is the child happy with the current arrangement? If not, how can the arrangement be improved?
    - e) Which people are most important in your child's life?
    - f) State your concerns and feelings for your child.
  3. Chronology or timeline of key events (see p. 111) that happened in your relationship with the other parent and in your child's life. (People can read six times faster than they can talk. It saves time and potential misunderstanding to have the history of the family briefly outlined in this way.)
-

4. Your parenting plan.
  5. Supplemental information that will support why you think your plan is appropriate.
  6. Declarations.
  7. Legal evidence, such as, relevant cards or letters, school reports, telephone bills, insurance records, physician or police reports. Photographs may be a good idea.
  8. Information sheets, flyers, notices.
  9. Relevant correspondence, such as letters of recommendation.
-





## Resources for Parents

### Association for Conflict Resolution

1015 18th Street, NW, Suite 1150  
Washington, DC 20036  
(202) 464-9700 phone  
(202) 464-9720 fax  
<http://www.acrnet.org/referrals/ap-family.htm>

### American Arbitration Association

1633 Broadway, Floor 10  
New York, NY 10019  
(212) 484-3266 phone  
(212) 307-1495 fax  
[www.adr.org](http://www.adr.org)

335 Madison Avenue  
New York, NY 10017  
(212) 716-5800 phone  
(212) 716-5904 fax

### American Association for Marriage and Family Therapy

Michael Bowers  
1133 15<sup>th</sup> St. NW, Suite 300  
Washington, D.C. 20005-2170  
(202) 452-0109 phone  
(202) 223-2329 fax  
[www.aamft.org](http://www.aamft.org)

### American Psychological Association

Raymond Fowler, Ph.D.  
750 First St. NE  
Washington, D.C. 20002-4242  
(202) 336-5700 phone  
(202) 336-5708 fax  
[www.apa.org](http://www.apa.org)

### Children's Rights Council

David Levy  
300 I St. NE, Suite 401  
Washington, D.C. 20002  
(202) 547-6227 phone  
(202) 546-4272 fax  
[www.vix.com/crc](http://www.vix.com/crc)

### Coalition for America's Children

Marjorie Tharp  
601 13<sup>th</sup> St. NW, Suite 400-North  
Washington, D.C. 20005  
(202) 347-8600 ext. 3013 phone  
(202) 393-6137 fax  
[www.usakids.org](http://www.usakids.org)

### Joint Custody Association

James A. Cook  
10606 Wilkins Ave.  
Los Angeles, CA 90024  
(310) 475-5352 phone  
(310) 475-6541 fax  
[www.jointcustody.org](http://www.jointcustody.org)

### National Congress for Fathers and Children

Larry Hellmann  
9454 Wilshire Blvd., Suite 207  
Beverly Hills, CA 90212  
(800) SEE-DADS [733-3237] phone  
[www.ncfc.net/ncfc](http://www.ncfc.net/ncfc)

### National Council on Family Relations

Michael Benjiman  
3989 Central Avenue NE, Suite 550  
Minneapolis, MN 55421  
(612) 781-9331 phone  
(612) 781-9348 fax  
[www.ncfr.org](http://www.ncfr.org)

### Parents Without Partners

401 North Michigan Avenue  
Chicago, IL 60611-4267  
(312) 644-6610 phone  
(312) 321-5194 fax  
[www.parentswithoutpartners.org](http://www.parentswithoutpartners.org)

### Stepfamily Association of America

Larry Kallemeyn  
650 J St., Suite 205  
Lincoln, NE 68508  
(800) 735-0329 toll-free phone  
(402) 477-7837 phone  
(402) 477-8317 fax  
[www.stepfam.org](http://www.stepfam.org)

For a comprehensive list of resources for parents, please see:

### *Divorce Help Sourcebook*

Visible Ink Press  
Margorie L. Engel. 1994.  
ISBN 0-8103-9480-4







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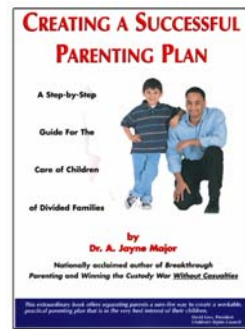
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## A Step-by-Step Guide for the Care of Children of Divided Families

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*Divorce is not the end of one's family, it's the beginning of a family reorganization. Dr. Major has written a wonderfully informative, solution-focused workbook for parents to create successful parenting plans that clearly are in the best interests of their children. Her step-by-step tools and real-life examples are a valuable asset and a must for parents and clinicians alike.*

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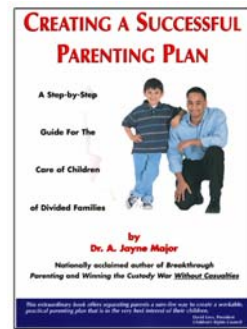
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