

APPENDIX J

Parenting Plan and Companionship Schedule

(Revised as of November 1, 2010)

*Applicable to all Orders issued on or after November 1, 2010

INTRODUCTION

The law of Ohio requires a Court in a divorce, dissolution, spousal support or child support proceeding to “make a just and reasonable order . . . permitting each parent who is not the residential parent to have parenting time with the child.”

In the past, a standard court order setting forth parenting rights would often state that a parent is entitled to “reasonable visitation and companionship.” This court order allowed each family to work out their own routine based on the best interests of the child and the needs and schedules of the parent. The court order worked well when parents were able to agree, but when parents could not agree, their only solution to enforce their rights was expensive and time-consuming litigation.

Our experience with any non-specific court order has led us to conclude that the majority of parents need to have a very specific order as there are times when good parents cannot agree. When parents first experience serious marital unhappiness, physical separation, decide whether to remain married, are unable to pay bills, try to divide property, or possibly have new romantic interests, then these issues may interfere with parents’ ability to agree on child(ren)’s issues. Given all the stresses that ending a marriage put on a mother and father, a parenting plan (schedule of companionship) becomes the standard for both parents as to division of time, establishes the rights and responsibilities of each parent, and provides a base for negotiating a change of weekends, days, holidays and/or vacation time to accommodate personal and family needs, as well as the needs of growing child(ren), without parents having to return to Court.

Over the years, this schedule had developed based on the practice of separated parents, the needs of the family members, current research and the experience of court-approved mediators. Our goal in setting up a specific schedule of companionship is best expressed in the findings of the authors Wallerstein & Kelly, (“Surviving the Breakup, 1980), as follows:

Children profit by continued exposure to both parents. The future condition of the divorced family is predicted by the ability of the parents to communicate effectively on parenting matters and to allow for each to influence and direct the child(ren)’s development. **CONTINUED CONTACT BETWEEN THE CHILD AND BOTH PARENTS PREDICTS THE CHILD’S SUCCESSFUL ADAPTATION TO DIVORCE.**

Our experience also indicates that each parent needs the frequent and predictable pattern of companionship to avoid being overwhelmed by the day-to-day duties as a single parent and, most importantly, a child needs the continuing and regular involvement with the non-residential parent to feel loved by that parent. No specific schedule will satisfy the changing needs of each parent and child(ren) over the years. We know that critical to the success of putting any schedule in practice is that each parent be flexible, willing to change times and/or dates, by mutual cooperation and agreement, based on the changing needs of a child(ren) as (s)he grows older, in addition to the parents' own schedules and interests.

If you are experiencing major or continuing problems in putting your companionship or parenting time order or agreement into practice, the court expects that you make your best effort to resolve the problem by contacting the other parent first and trying to work out the differences between you. If your effort has not been successful, then you may wish to contact a mediator who is available to provide assistance with problems that arise from time to time, or you may wish to file a Motion with the Court to enforce your order.

If the Court Order or Decree indicates that the Court Schedule is the Order for companionship, then the ORDER OF THE COURT IS THE FOLLOWING:

Parenting Time and Companionship Schedule and Rules

Unless otherwise agreed by the parents, the non-residential parent shall exercise as a minimum the following parenting time:

- 1. Weekends:** Beginning on a specific date, every other weekend from Friday night at 7:00 P.M. to Sunday night at 7:00 P.M.
- 2. Mid-Week:** In addition, the child(ren) shall spend a minimum of one (1) day companionship as follows:

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

For a child in grades K-8: 5:00 to 8:00 P.M.

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

If there is more than one (1) child, the hour of return shall be the hour set for the youngest child. If the parents cannot agree on a day, the day for the mid-week companionship is Wednesday. If a child is in a child-care arrangement, the non-residential parent may not pick up the child from the caretaker without the prior permission of the residential parent, preferably in writing.

3. Days of Special Meaning:

- a. Mother's Day and Father's Day are to be spent with the appropriate parent, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the times are 10:00 A.M. to 7:00 P.M. The children shall spend the rest of the weekend with the parent who normally has that weekend.
- b. The child(ren)'s birthday shall always be spent with the Mother in even-numbered years, and shall always be spent with the Father in odd-numbered years. The non-residential parent must provide one week's notice of his or her intent to have companionship for a birthday. If the parties cannot agree, the time is 10:00 A.M. to 8:00 P.M. for a child not in school on the birthday, and 5:00 P.M. to 8:00 P.M. for a child in school on his birthday. The other parent can celebrate on another date. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to weekend, mid-week, holiday or vacation with the child. Brothers and sisters attend the birthday event.
- c. Other days of special meaning such as Religious holidays, Martin Luther King Day, etc., should be discussed and written into the Court Order.

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

	<u>Even-numbered</u> <u>Years</u>	<u>Odd-numbered</u> <u>Years</u>	<u>As agreed, or:</u>
Easter/Spring Break	Father	Mother	School Vacation
Memorial Day	Mother	Father	Sun. 7 P.M.-Mon. 8 P.M.
July 4	Father	Mother	7/4 9 A.M.- 7/5 9 A.M.
Labor Day	Mother	Father	Sun. 7 P.M.-Mon. 8 P.M.
Thanksgiving	Father	Mother	Thur. 9 A.M.-Fri.9 A.M.
Christmas Eve	Mother	Father	12/23 9 PM- 12/24 10 PM
Christmas Day/Break	Father	Mother	12/24 10 PM -12/31 5 PM
New Year's Eve/Day	Mother	Father	12/31 5 P.M.-1/1 9 P.M.

A holiday that falls on a weekend shall be spent with the parent who is designated to have the child(ren) for that holiday and the other parent shall have the child(ren) for the rest of that weekend. This time does not have to be made up. If a scheduled holiday immediately follows

the non-residential parent's scheduled weekend, that parent is not required to return the child(ren) to the residential parent for the interim period.

“School vacation” for Easter/Spring Break begins at 9:00 a.m. on the first weekday of break and ends at 7 p.m. of the last weekday of the break. “School vacation” does not include any weekend periods of Friday at 7:00 p.m. to Sunday at 7:00 p.m. that may occur at either end of the break or that may occur during the break. Any of these weekends are included as part of the regularly scheduled rotating weekends.

5. Vacations:

- a. Four (4) weeks of companionship each summer are to be arranged by the non-residential parent, with not less than sixty (60) days advance notice. “Summer” is defined as the regularly scheduled period of vacation from school, typically occurring during the months of June, July and August. A “week” is defined as a five (5) day increment commencing on Sunday at 7:00 p.m. and continuing until Friday at 7:00 p.m. and shall not interfere with the other parent's weekend parenting time as defined herein. The non-residential parent's choice of vacation will prevail over the residential parent's choice, unless the residential parent is on annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty (60) days notice of intent to take a vacation and the non-residential parent does not have a similar requirement. Likewise, the residential parent is entitled to four (4) weeks of vacation time with the child(ren) and must give the non-residential parent sixty (60) days advance notice of vacations or special plans for the child(ren) to avoid planning conflicts. During these periods of vacation, any alternating weekend parenting time shall continue as scheduled; however, midweek parenting time is cancelled without the need for make-up time. Parents who cannot resolve vacation-scheduling conflicts may file a motion in the Court. Due to legal notice requirements, the hearing cannot be scheduled until at least three (3) weeks after filing.
- b. Summer school necessary for the child(ren) to pass to the next grade must be attended.
- c. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel if the vacation will be outside the parent's community.
- d. Summer companionship must be exercised in minimum periods of one (1) week, and the non-residential parent has the right to determine whether to exercise vacation in periods of two (2), three (3) or four (4) weeks.
- e. Any holidays set forth in section 4 above take priority over any scheduled summer vacation time, including any mandatory shut-downs.

6. **Moving:** For parents residing in different locations that make the above schedule impractical, consult the Court's long distance parenting time schedule and Local Rule 2.19.

7. **Companionship Regulations:**

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

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

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

*If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, and to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional, a court recommended mediator, or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved.

IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD(REN) GOES FOR THE PARENTING TIME PERIOD.

c. **Exercise of Companionship** This schedule presumes that the non-residential parent shall be there promptly for all the companionship times and days for weekends, mid-weeks, days of special meaning and holidays, and that no advance notice to the residential parent is necessary (except for the child(ren)'s birthdays and vacation, unless the parties agree otherwise). The residential parent shall have the child(ren) ready.

d. Cancellation of Companionship by Non-residential Parent The non-residential parent must give notice of intent NOT to have companionship, not less than twenty-four (24) hours in advance, unless a last minute emergency occurs. A parent who does not exercise companionship forfeits the time. Since the schedule presumes ordinary companionship times will be spent with the child(ren), non-cancelled companionship time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to companionship may have rights of companionship modified and may be subject to other legal remedies as well, upon motion by the residential parent.

e. Keeping the Children Together If the parents have more than one (1) child, the companionship will be exercised with all children together. (See also Section M below)

f. Returning the Child(ren) After Exercising Companionship The non-residential parent will not return the child(ren) prior to the end of the companionship period stated (not early, not on a different day), unless the parties agree in advance, and the residential parent or a responsible adult well-known to the child(ren) will be present when the child(ren) is returned.

g. Promptness This schedule presumes that each parent will be prompt for pickup and return of the child(ren), that the residential parent will ready the child(ren) emotionally and physically for the companionship. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that (s)he will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the companionship period. A parent who has a pattern of lateness for pick up and/or return is subject to penalties under the law.

h. Transportation The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for pick-up or delivery of the child(ren), must use an adult well-known to the child(ren) and the non-residential parent for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licensed drivers who are in compliance with all insurance requirements may transport the child(ren).

i. Clothing The residential parent is responsible for providing sufficient appropriate clean clothing for every companionship period, based on the lifestyle of the residential parent and the child(ren). If the planned companionship activity requires special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the companionship period. If the child(ren) does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent **MUST** be returned immediately after the companionship period.

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

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

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

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

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

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

If the parents cannot agree that the child(ren) should go for the companionship period, then the non-residential parent has the right to visit the child for not more than one (1) hour at the time scheduled for the companionship period to begin. This does not apply if the Order of any Court or Consent Agreement prohibits the non-residential from being at the home of the residential parent. If another child(ren) is scheduled to have companionship, then the regular companionship must go on with that child(ren). If the companionship period is cancelled due to the child(ren)'s illness or injury, then the time must be made up within sixty (60) days to the non-residential parent at a time of his or her choice.

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

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

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

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

n. Communication Between Parents The parents are solely responsible for planning all companionship events, dates and times. Neither parent should make arrangements with a child about the issue of companionship nor future events or activities that conflict with the other parents allotted times. It is not the responsibility of the child to mediate or become involved in parental differences over companionship times, date or activities. If parents have temporary difficulty communicating about either companionship or the needs of their child(ren), parents should not enlist the child(ren) to resolve the parents' inability to talk to each other. The parents should agree on a neutral adult to assist in their communications, or communicate in writing only, or consult a mediator, or file a motion.

o. Children's Activities Scheduled periods of companionship shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sport, etc.). It is the responsibility of the parents to discuss activities important to the child(ren) in advance, including time, dates, and transportation needs, so that the child(ren) is not deprived of activities and maintaining friends. If the activities are regularly scheduled, they should be agreed upon in advance and written in to the judgment entry or decree. Both parents are encouraged to attend all their child(ren)'s activities.

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

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

r. Step-Parent Name A parent should not, or permit any other person to, suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

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

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

t. Child(ren)'s Records

1. Name The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adoption name only.

2. School Records The residential parent is responsible to personally provide copies of every grade card or notice regarding the child(ren) within five (5) days of receipt, and may not use the child(ren) to deliver the grade cards or notices. The residential parent must list the non-residential parent as a parent of the child(ren), must authorize the school to release to the non-residential parent all information concerning the child, and must personally inform the other parent of school or special activities, such as parent-teacher conferences, school programs, athletic events, honors programs, special ceremonies, and graduation events, and any other school activity in which the child(ren) is involved as soon as (s)he receives the notice.

3. Medical Records/Consultation The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital,

surgical, optometric, or mental health records of/consultations regarding the minor child(ren).

u. Telephone Calls Each parent has the right to talk over the telephone with the child(ren) as often as the parents agree. If the parents do not agree, then the non-residential parent should not normally have telephone privileges more than twice per week. In addition, a parent may call the child(ren) once during a scheduled or agreed companionship period that is missed. Also, the residential parent has the right to call the child(ren) when on vacation with the other parent, as the parties can agree; if not in agreement, then the residential parent has telephone privileges twice per week if the vacation period takes place at the non-residential parent's home. Phone calls should be during the normal hours the child(ren) is awake; if the child(ren) is unavailable for conversation, each parent shall take the responsibility of seeing that the child(ren) timely returns the call. The child(ren) is/are permitted to call a parent at any time; however, the calls should not occur more than once per day unless the parent from whose home the calls are being made consents.

v. Employment of Parents This schedule presumes that the parents are available for companionship purposes for full weekends and mid-week companionship. If the non-residential parent is regularly employed every weekend or chooses not to exercise companionship on the weekend, the parents should agree in advance about the day and time for companionship. If the parties cannot agree, they may wish to consult with a mediator or file a motion.

w. Non-Compliance With Court Order Any of the responsibilities or rights outlined in this schedule may be enforced by the Court upon the filing of the appropriate motion by either party. A parent may not withhold the rights of companionship because the other parent does not obey a Court Order, for instance to pay support or medical bills, etc. **Penalties for willful denial of companionship include jail sentence and/or changes in parental rights.** A parent may seek enforcement of a periodic child support or spousal support order by contacting the Child Support Enforcement Agency or filing a motion with the Court.

x. Moving Either parent must notify the Court in writing at least forty-five (45) days in advance of their intent to change their residence out of the county in which they resided at the time of the last Court Order or Decree about companionship. If the parties move more than 150 miles apart after the Court orders or adopts the schedule herein, unless the parties agree otherwise, each is Ordered to comply with the long distance companionship schedule without further Order of the Court.

y. The Court has the authority to modify the companionship order upon motion by either party.

IMPORTANT CONSIDERATIONS

The residential parent is responsible to meet the child(ren)'s needs while in his or her residence, including love, nurturing, education, health, a safe, stable and healthy environment for the child(ren), and child-care arrangements, if necessary.

Both parents should make their best effort to consult, communicate and cooperate with each other on all major issues involving their child(ren) and should put the best interests of the child(ren) above their individual interests or their differences of opinions.

On occasion, a child may find it difficult to deal with the issue of one parent romantically involved with a third person. The other parent may blame that person for a variety of problems, expressing their opinion in the presence of the child(ren). That parent needs to exercise extraordinary effort to avoid entangling the child(ren) in any issue to which the child(ren) is neither a party nor equipped to handle. The child(ren) may feel rejected, or that he or she is less important than the new romantic interest. Both parents need to reassure the child(ren) of the importance of the parent-child relationship. If the parents cannot resolve the conflicts which arise over third-party problems, either should consult a mental health professional.

When a parent re-marries, the role as the step-parent may be misunderstood by the child(ren), either parent or the step-parent. For assistance, either parent may consult a mental health professional or the library for written literature to assist the parents.

On occasion, others, including relatives and friends, may directly or indirectly attempt to influence the child(ren)'s relationship with a parent. Adults who act in this fashion are confusing adult issues with the child(ren)'s interests. Each parent has the absolute responsibility to prohibit any person from communicating negative comments to any child(ren) about a parent.

On occasion, a parent may make negative comments or statements about the other parent to or in front of the child(ren). Each parent needs to make an extraordinary effort to avoid such conduct, which is extremely detrimental to the best interests of their child(ren).

On occasion, a parent may talk with the child(ren) about personal, economic, or legal differences with the other parent. Expecting the child(ren) to advise or agree with one parent against the other is harmful to the child(ren).

On occasion, a parent may question the child(ren) about the activities, friends, employment, or lifestyle of the other parent. Expecting the child(ren) to spy on the other parent is harmful to the child(ren).

On occasion, a mother or father may refuse to have a relationship with one or all of the child(ren). This may be due to the pain of separation, or anger from one parent directed at the other, or avoidance of continuing and serious arguments between parents, or inability to provide support, or for other reasons. When one parent refuses to communicate or be with a child or

children, the child(ren) may feel abandoned and unimportant. It is the responsibility of the parent with whom the child(ren) is living to deal with the child(ren)'s needs, first by seeking to establish the parent-child relationship. Professional assistance from a mental health professional or an attorney is necessary, and this issue should not be ignored.

Shared parenting is encouraged when parents regularly communicate easily about the major issues and agree easily on solutions. Parents may seek an Order of Shared Parenting by consulting their attorneys and filing the appropriate Motion.

DEFINITIONS

“Allocation of Parental Rights and Responsibilities” – the determination of what was formerly "custody and visitation," and includes financial obligations for the child(ren).

“Parenting Time or Companionship” - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) or without any legal restriction except as to time. Restrictions, if any, are always written specifically into the Court Order.

“Supervised Parenting Time” - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place and neutral party who is always present with the child during the parenting time period. Restrictions are always written specifically into the Court Order.

“Curb-side Exchange” - a legal term always written into the Court Order if the Court orders it. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren); the residential parent must remain inside the home, and there must be no communication during the exchange of the child(ren). The process of curb-side exchange means the non-residential parent (at the specified time of companionship) parks in front of the residential parent’s residence and honks the horn to notify the residential parent to send the child(ren) to the non-residential parent’s car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the companionship period, the non-residential parent returns the child(ren) at the time for the companionship period to end, parks in front of the residential parent’s residence, honks the horn to signal that the child(ren) are returning, watches the child(ren) return to the residence, making sure that there is an appropriate person able to care for the child(ren) (if the residential parent is not visible), unless the parties have agreed otherwise.