

**IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

In the Matter of the Marriage of: _____)
_____ and _____) Case No. _____
_____) Division No. _____
_____) K.S.A. Chapter 60

PARENTING PLAN

- [] This plan is a proposal by _____ (name), the [] Mother [] Father.
[] This plan is a proposed plan that has been agreed to by both parties.

I. GENERAL INFORMATION

This parenting plan applies to the following children:

<u>Full name of child</u>	<u>Gender</u>	<u>Birth Date</u>	<u>Age</u>
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II. LEGAL CUSTODY (DECISION MAKING)

Choose either joint legal custody or sole legal custody. Joint legal custody is the default, you must have compelling specific reasons to ask for sole legal custody.

2.1 Legal Custody.

“Legal Custody” is the right of a person acting as a parent, to make decisions about matters of health, education and welfare for a child.

[] **2.2 Joint Legal Custody.**

Both parents are fit and proper persons to have joint responsibility for the care of the minor child. It is in the best interest of the child that the parties jointly share in the care of the child. “Joint legal custody” means that both parents have equal rights and responsibilities for the child, and that neither parent’s rights are superior. In accordance with their joint responsibilities,

the parents consult with each other on issues affecting their child and they try to agree upon the best decision for their child on major issues.

Major decisions for parental decision-making include, but are not limited to, issues concerning the child's education, health and medical issues (except when an emergency prevents immediate consultation, in which case the other parent is notified as soon as reasonably possible), transportation between the parent's homes, religious training and other important matters affecting the child.

Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

Either parent may make emergency decisions affecting the health or safety of the child.

2.2 Sole Legal Custody.

It is NOT in the best interest of the child(ren) that both parents have equal rights to make decisions regarding the child. The parent granted sole legal custody has the primary right to decide matters of health education and welfare in the child's best interest. The parent not granted sole legal custody may make emergency decisions regarding the child while the child is in that parent's physical custody and control. The grant of sole legal custody to one parent does not deprive the other parent of access to information regarding the child unless the court shall so order, stating the reasons for that determination.

Sole legal custody should be ordered to the mother father for the following reasons:

Agreement of the parents for the following reasons:

The other parent is unable to exercise any decision-making authority for the following reasons:

There is such a high level of disagreement between the parents that one parent needs to be designated as the primary decision maker in order for the best interest of the child(ren) to be served.

There is a danger to the child in allowing the other parent to have joint decision-making power with the custodial parent because:

Other specific reasons supporting a determination that sole legal custody should be granted:

2.3 Access to Health and Educational Records.

Choose one.

As joint legal custodians, both parents have equal rights to access, inspect, and obtain their child’s medical and educational records. There shall be no restriction on either parent’s access to information regarding the child.

The mother father should be restricted from access to information regarding the child for the following reasons:

Agreement of the parties and the following reasons that make that agreement in the best interest of the child:

There is a danger to the child in allowing the non-legal custodian to have access to information regarding the child because:

Other specific reasons supporting a determination that the non-legal custodian should be restricted from access to information regarding the child:

2.4 Problem-Solving

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

III. RESIDENCY AND PARENTING TIME SCHEDULE

These provisions set forth where the child(ren) shall reside each day of the year and what contact the child(ren) shall have with each parent.

3.1 Infant Aged Children (Birth to 12 months of age).

Because infants perceive time differently than adults, parenting time with infants should be on a consistent routine, with frequent contact throughout the entire week for generally shorter periods than older children. Ideally, neither parent should be separated from their infant child for more than three days. The following guidelines are the suggested minimum for one parent's parenting time with infants. Time not designated or the parent will be time spent with the other parent.

[] There are no infant aged children. *Go to Section 3.2.*

[] Infant aged children will have the same schedule as school aged children as set out in Section 3.3.

A. Weekday Parenting Time. Two blocks of not less than three-hours every week. (e.g., Tuesday and Thursday from 5:00 p.m. until 8:00 p.m.); and

B. Weekend Parenting Time. One block of not less than eight-hours every weekend on either Saturday or Sunday; and

C. Holiday Parenting Time. Holiday parenting times should be consistent with the regular weekly parenting time throughout the year (i.e., two blocks of three hours and to eight hours consistent through the week), unless appropriate for the particular family.

D. Overnights. If the parents are both regularly involved in providing day-to-day care for the infant child, then they should consider extending parenting time to overnights, if appropriate.

3.2 Toddlers (12 months to approximately 36 months of age)

Because toddlers perceive time differently than adults, parenting time with toddlers should be on a consistent routine, with frequent contact throughout the entire week for generally shorter periods than older children. Ideally, neither parent should be separated from their toddler child for more than three days. The following guidelines are the suggested

minimum for one parent's parenting time with toddlers. Time not designated or the parent will be time spent with the other parent.

There are no toddler aged children. *Go to Section 3.3.*

Toddler aged children will have the same schedule as school aged children as set out in Section 3.3.

A. Weekday Parenting Time. Two blocks of not less than three-hours every week. (e.g., Tuesday and Thursday from 5:00 p.m. until 8:00 p.m.); and

B. Weekend Parenting Time. One block of not less than eight-hours every weekend on either Saturday or Sunday; and

C. Holiday Parenting Time. Considering the child's age and maturity, alternate holiday parenting time should begin. If the toddler is spending overnights with both parents, the standard holiday schedule should normally be utilized. If appropriate for the toddler and the family, the parents should consider some extended summer parenting time.

D. Overnights. If the parents are both regularly involved in providing day-to-day care for the toddler child, then they should implement or increase overnight parenting time, considering the toddler's needs, anxiety, and previous history of previous overnight parenting, and the need for consistent parent-child interactions.

3.3 Preschool Aged Children.

There are no preschool aged children. *Go to Section 3.4.*

Preschool aged children will have the same schedule as school aged children as set out in Section 3.4.

The preschool aged child(ren) _____ (names) shall reside primarily with mother father. The preschool aged child shall have parenting time with _____ (the other parent) at such times and places as the parents may agree. *In the event the parents do not agree,* _____ shall have the following minimum parenting time with the preschool aged child:

Check all that apply:

Every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

_____ (number) evening(s) during the week from 5:30 p.m. until 8:30 p.m. on _____ (list days of the week) evening(s).

(Example: Two evenings during the week, from 5:30 p.m. until 8:30 p.m. on Tuesday and Thursday evenings).

_____ (number) evening(s) overnight during the week from 5:30 p.m. until school the next day on _____ (list days of the week).

Other: _____

3.4 School Aged Children.

Upon their enrollment in school, the children shall reside primarily with mother father. The school aged child shall have parenting time with _____ (the other parent) at such times and places as the parents may agree. *In the event the parents do not agree,* _____ shall have the following minimum parenting time with the school aged child:

Every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

_____ (number) evening(s) during the week from 5:30 p.m. until 8:30 p.m. on _____ (list days of the week) evening(s).

_____ (number) evening(s) overnight during the week from 5:30 p.m. until school the next day on _____ (list days of the week).

Other: _____

3.5 Winter Break.

Each parent shall have parenting time with the children during the Winter Break at such times and places as the parents may agree. *In the event that they cannot agree,* the following schedule will apply:

Choose one of the following:

(Note that the schedule for Christmas Eve and Christmas Day is located in Section 3.7.)

The parenting time schedule during Winter Break shall be the same as during the school year.

The children shall reside with mother father for the entire Winter Break period.

The children shall reside with _____ for the entire Winter Break in odd years, and with _____ for the entire Winter Break in even years.

The children shall reside with _____ from _____ (time) on the evening school lets out until _____ (day and time). They will then reside with the other parent until _____ (day and time), when the regular schedule will resume.

Other: _____

3.6 Schedule for Spring Break.

Each parent shall have parenting time with the children during the Spring Break at such times and places as the parents may agree. *In the event that they cannot agree*, the following schedule will apply:

*Choose one of the following:
(Note that the schedule for Easter is located in Section 3.7.)*

The parenting time schedule during Spring Break shall be the same as during the school year.

The children shall reside with mother father for the entire Spring Break period.

The children shall reside with _____ for the entire Spring Break in odd years, and with _____ for the entire Spring Break in even years.

The children shall reside with _____ from _____ (time) on the evening school lets out until _____ (day and time). They will then reside with the other parent until _____ (day and time), when the regular schedule will resume.

Other: _____

3.7 Schedule for Summer Vacation.

Each parent shall have parenting time with the children during Summer Vacation at such times and places as the parents may agree. *In the event that they cannot agree, the following schedule will apply:*

Choose one of the following:

(Note that the schedule for Memorial Day, Independence Day and Labor Day is located in Section 3.7.)

The parenting time schedule during Summer Vacation shall be the same as during the school year.

The children shall reside with _____ from _____ (time) on the evening school lets out until _____ (day and time). They will then reside with the other parent until _____ (day and time), when the regular schedule will resume.

Two or three extended periods of time with each parent in the months of June, July and August as follows:

With Mother: _____

With Father: _____

The children shall alternate weeks with each parent. _____ shall have the first full week that the children are out of school from _____ (day and time) until _____ (day and time) and the parents shall alternate weeks thereafter.

Other: _____

3.8 Vacation with Parents.

Choose one.

Does not apply.

Each parent may vacation with the children at such times as the parents may agree. *In the event they do not agree*, the following provision shall apply:

Each parent shall be entitled to _____ (number) of
 consecutive non-consecutive
 days weeks

of vacation with the children

during Summer Vacation during the calendar year.

Each parent shall advise the other parent _____ (number) days prior to the vacation.

In the event that both parents wish to vacation with the children during the same time period, mother father shall have priority in odd years, and mother father shall have priority in even years.

(Examples:

- *Each parent shall be entitled to two non-consecutive periods of seven days of vacation with the children during the calendar year.*
- *Each parent shall be entitled to one consecutive period of fourteen days of vacation with the children during the summer vacation.)*

3.9 Holiday Schedule

The parents shall have parenting time with the children on holidays at such times and places as the parents may agree. *In the event they do not agree*, the following schedule shall apply:

The Johnson County Blue Book (2005) Guidelines schedule shall apply.

OR

The residential schedule for the child(ren) for the holidays listed below is as follows:

	<u>WITH MOTHER</u>	<u>WITH FATHER</u>	<u>TIMES</u>
(Specify odd years,			

even years or every)

New Year's Day	_____	_____	_____
President's Day	_____	_____	_____
Easter	_____	_____	_____
Mother's Day	<u>Every</u>	_____	_____
Memorial Day	_____	_____	_____
Father's Day	_____	<u>Every</u>	_____
Independence Day	_____	_____	_____
Labor Day	_____	_____	_____
Thanksgiving Day	_____	_____	_____
Christmas Eve	_____	_____	_____
Christmas Day	_____	_____	_____
Child's Birthday	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3.10 Priorities for Parenting Time Conflicts

Check all that apply:

- Holidays that fall on a Friday or Monday shall include Saturday and Sunday

- If there is a conflict between a holiday and a child's birthday, the holiday schedule shall apply. However, the parents should be flexible in allowing the birthday to be celebrated either the weekend before or after the holiday period.

- If there is a conflict between weekend and holiday parenting time, the holiday parenting time shall apply.

There shall be no adjustment for “missed” weekends due to interruption by holiday parenting time. The parties shall compensate for missed weekends so that a parent will not go more than two weekends without having parenting time.

Parent vacations with the children have priority over holidays.

Other: _____

3.11 Telephone and Mail Contact

The parent with whom the child is not then living should have the ability to contact the child at reasonable hours of the day or evening without interference from the other parent – especially on those weekends when that parent is not with the child. Attempted telephone contact with a child should not be used as an opportunity by either parent to discuss issues not related to the child with the other parent. When telephone contact is attempted to be made with the child, the child should either have direct access to the telephone or the telephone should be given directly to the child with a minimum of conversation between the parents unless necessary for discussion of matters related to that contact. The parent with whom the child is then living should not refuse to answer the phone, turn off the phone or put call block on the line in order to deny the other parent telephone contact with the child.

The parent with whom the child is not then living should have unlimited ability to contact each other by use of regular U.S. mail or electronic mail, if such an account is available.

3.12 Transportation Arrangements

Transportation arrangements for the child(ren), other than costs, shall be shared by the parties as they may agree. In the event they do not agree, the transportation arrangements shall be as follows:

Choose one:

The parent scheduled to have time with the child shall pick up the child at the time specified. The parent to whom the child shall return shall pick up the child at the time specified, unless the drop off is to be at school or daycare.

The parent exercising parenting time shall pick up the child at the beginning of parenting time and drop off the child at the end of parenting time.

The parent other than the parent exercising parenting time with the child shall drop off the children at the beginning of the other parent’s parenting time and shall pick up the child at the end of parenting time.

Other: _____

3.13 Other Parenting Considerations:

i. *Notice of Change in Schedule.* Every effort should be made to follow the parenting time schedule. Unless an emergency arises, each parent shall give the other parent at least three days advance notice if he or she is unable to exercise parenting time with the children. Special consideration shall be given in emergency situations to insure that the needs of the children are adequately met.

ii. *Current Address and Telephone Number.* Each parent shall supply the other with his or her current residential and employment address and telephone number and shall advise the other of any changes that may occur. Such notice shall be made promptly, but in any event shall be made in writing within five days before the change or otherwise in compliance with statutory requirements (see below). Each parent shall give the other a number where that parent can be reached if an emergency situation should arise.

iii. *Notification of Intent to Change Children's Residence:* Each parent shall give the other written notice by restricted mail, return receipt requested, at his or her last known address not less than thirty (30) days prior to changing the residence of the children or removing the children from the state of Kansas for a period of time in excess of ninety (90) days, as required by K.S.A. §60-1620 as amended.

iv. *Extracurricular Activities.* The parents shall consult with one another and agree in advance before enrolling the child in any extracurricular activities. These activities include, but are not limited to, sports, music and dance. It is recommended that if the child is participating in particular activities at the time the agreement or order is entered that those activities be specifically referenced as approved activities. The parents should agree to take the child to his or her activities provided that there is no reasonable schedule conflict that makes participation in the activity on a particular day impractical or impossible.

v. *Problem Solving.* When disagreements about parenting issues occur, the parents shall make substantial, good-faith efforts to resolve the disputes and solve problems. If conflicts continue, **the parents agree to attempt mediation of the disputed parenting issues as a method to resolve such conflicts prior to bringing them to the Court for resolution.**

vi. *Appointments or Commitments.* A parent shall not make an appointment, arrangement or commitment for the child that will involve the other parent's time, effort expense without first obtaining agreement from the other parent. The only exception is reserving a spot in an activity for the child pending the other parent's approval.

vii. *Communication.* The parents shall communicate directly with each other and not use the minor child as a messenger at any time.

viii. *Notice of and Attendance at Special Events.* Each party shall provide the other with reasonable notice of all special events involving the child, especially those which parents may attend, such as school plays and parties, athletic events, parent and grandparents days, etc. Both parents shall be welcome at school conferences, athletic events, performances and other such functions of the minor child.

ix. *Access to Medical Records.* Both parents shall have complete access to the minor child's medical, dental, vision, psychological and psychiatric records.

x. *Medical Care-Routine.* Each parent shall provide proper routine health and dental care to the minor child as needed while residing with that parent.

xi. *Notice of Illness and/or Injury.* Each parent shall promptly inform the other of any medical and dental condition of the minor child which arises while the children are with that parent.

xii. *Conferring Regarding Major Medical Decisions.* Each parent shall inform the other in advance of any proposed non-routine medical or dental health care for the minor children. However, in cases of urgency, emergency care may be authorized by either parent without the other parent's prior consent. The parents shall confer and agree to mutual payment of any non-medically necessary expense for the child. In the event prior agreement is not reached, the party incurring the expense shall be presumed solely responsible for payment of the expense.

xiii. *School Records.* Both parents shall have complete access to the child's school records.

3.14 Reasons That Are Not Valid for Denying Contact:

- A. The child is sick (unless the other parent is provided with the specific nature of the illness and is given an opportunity to see the child).
- B. The child had to go somewhere else.
- C. The child is not home.
- D. The other parent is behind on child support obligation.
- E. The child wants to stay home.
- F. The parent does not want the child to go.
- G. The weather is bad.
- H. The child has no clothes to wear.

IV. DISPUTE RESOLUTION

Disputes between the parties regarding custody and parenting time, shall be submitted for dispute resolution to:

Choose one:

Counseling by _____

Mediation by

Johnson County Court Services

Other mediator: _____

Arbitration by _____

Other: _____

The costs of the dispute resolution process, if any, shall be allocated between the parties as follows: *Choose one:*

As determined in the dispute resolution process

Equally

_____ % by Mother, _____ % by Father

Based on each party's proportional share of income from line 6 of the child support worksheet

IF ONE PARENT FAILS TO COMPLY WITH A PROVISION OF THIS PLAN, THE OTHER PARENT'S OBLIGATIONS UNDER THE PLAN ARE NOT AFFECTED.

Presented by:

Signature of Parent

Date

Submitted by:

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