

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

State of Kansas Exrel SRS  
*et al,*

Petitioner,

Case No. 04CV4899

Chapter 60

Division 2

v.

Sunn E. Trager,

Respondent.

**AGREED JOURNAL ENTRY AND PARENTING PLAN**

**THIS CAUSE** comes on upon the agreement of the parties this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

**WHEREAS** the Parties are in agreement on all issues contained in this Agreed Journal Entry, the Court adopts the following as its Order.

**Paternity**

There are two children born to Chantel L. Best and Sunn E. Trager: Gage B. Trager DOB 3/8/2000 and Synthia Kaye Trager DOB 4/25/2003. Sunn E. Trager has acknowledged that he is the natural father of Gage and paternity is not at issue as to this child. Sunn E. Trager denied that he was the natural father of Synthia Kaye Trager. Genetic testing to determine whether he was the father of Synthia was ordered by this Court on October 20, 2004. That testing found him 99.99% likely to be her father. Notice of Report of Genetic Paternity Testing was filed on November 19, 2004 and served on Sunn E. Trager's attorney. No objection has been filed and Sunn E. Trager now acknowledges that he is the natural father of Synthia Kaye Trager.

**IT IS THEREFORE ORDERED ADJUDGED AND DECREED** that Sunn E. Trager is the natural father of Gage B. Trager DOB 3/8/2000 and Synthia Kaye Trager DOB 4/25/2003.

**Parenting Plan**

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the following Parenting Plan is adopted as the order of this Court.

**1.1 Joint Legal Custody as to Gage B. Trager.** The parties shall enjoy joint legal custody of Gage B. Trager. The term "joint legal custody" means that both parties have equal rights and responsibilities to their child and that neither party's rights are superior. In accordance with their joint responsibilities, the parties shall consult and agree with each other with respect to major decisions affecting the child. Such major decisions shall include their child's education, religious training, illnesses and medical decisions (except where an emergency prevents immediate consultation), arrangements for transfers from one parent to another, and other important matters affecting their child. Each parent shall have the right to inspect and receive medical and educational records.

**1.2 Sole Legal Custody as to Synthia Kaye Trager.** Sunn E. Trager does not request custody of Synthia Kaye Trager and does not intend to exercise parenting time with her. Accordingly, Chantel Best is awarded Sole Custody of Synthia Kaye Trager.

**1.3 Not applicable to this family**

**1.4 Parenting Arrangement for Gage B. Trager.** The parties have established the following parenting schedule to accommodate the father's work schedule. This schedule has him working one weekend, then being off for two, then working the weekend again.

(A) **Weekends.** On the weeks when the father is not scheduled to work the weekend, the father shall have extended parenting time from 6:00 p.m. Friday and continue until school or 8:00 a.m. on Monday morning. Father shall be responsible for getting the child to school on Monday morning.

(B) **Weekday Parenting Time.** On the weeks that the father is scheduled to work the

weekend, the father shall have parenting time with the child from Tuesday after school until Wednesday at 7:00 p.m. On those weeks when the father has the child for the extended weekend, there is no other Weekday Parenting Time

### **1.5 Holidays Parenting Time Schedule.**

(A) **Spring Break.** If the parents do not typically travel for Spring Break, the child shall reside with each parent during one-half of the Spring Break, with the transfer to occur on Wednesday evening at 7:00 p.m. The parent normally having the child during the first weekend of Spring Break shall continue to have the child until the Wednesday transfer. If the parents typically travel for Spring Break, the parents should alternate the weeks of Spring Break with Mother in even-numbered years and Father in odd-numbered years.

(B) **Mother's Day.** The child shall spend Mother's Day (from 9:00 a.m. until 8:00 p.m.) with the child's mother.

(C) **Memorial Day.** The child shall spend the Memorial Day weekend (from Friday immediately after school until Monday at 7:00 p.m.) with Mother in even numbered years and with Father during odd numbered years.

(D) **Father's Day.** The child shall spend Father's Day (from 9:00 a.m. until 8:00 p.m) with the child's father.

(E) **Fourth of July.** The child shall spend the Fourth of July holiday (from 6:00 p.m. on July 3rd until 9:00 a.m. on July 5th) with Mother during even numbered years and with Father during odd numbered years.

(F) **Labor Day.** The child shall spend the Labor Day weekend (from Friday at 6:00 p.m. until Monday at 7:00 p.m.) with Father during even numbered years and with Mother during odd numbered years.

(G) **Halloween.** The child shall spend the Halloween evening (a minimum of three hours) with Mother during even numbered years and with Father during odd numbered years.

(H) **Thanksgiving.** The child shall spend the Thanksgiving holiday (from Wednesday evening at 6:00 p.m. until Friday evening at 7:00 p.m. with Father during even numbered years and with Mother during odd numbered years.

(I) **Winter Break.** The child shall spend from 6:00 p.m. on the day that school is dismissed for vacation until 10:00 p.m. on December 24 with Father during even-numbered years and with Mother during odd-numbered years. The child shall spend from 10:00 p.m. on December 24 until 7:00 p.m. on December 30 with Mother during even-numbered years and with Father during odd-numbered years.

(J) **New Year's Eve and New Year's Day.** The child shall spend from December 30th at 7:00 p.m. until 7:00 p.m. on the evening before school resumes with Father during even numbered years and with Mother during odd numbered years.

(K) **Religious Holidays.**

(1) **Christian Religious Holidays.** The child's families follow the Christian faith and recognize the following religious holidays:

(i) **Easter Sunday.** The child shall spend Easter Sunday (from Saturday night at 6:00 p.m. until Sunday at 7:00 p.m.) with Parent B during even numbered years and with Parent A during odd numbered years.

(ii) **Christmas.** The Christmas Eve and Christmas Day schedule is reflected in the Winter Break schedule set forth in section (c), subsection 9 above.

(L) **Parent's Birthday.** The child shall spend part of the day with the respective parent on that parent's birthday.

(M) **Child's Birthday.** The child shall spend the child's birthday with Father during even -numbered years and with Mother during odd-numbered years. During such years, the child shall spend the day before or the day after the child's birthday with the other parent.

(N) **Conflict Between Weekend, Holiday Parenting Time.** Whenever there is a conflict between weekend and holiday time, the holiday parenting time shall apply. There shall be no adjustment for "missed" weekends due to interruption by holiday parenting time. The parties are, however, encouraged to compensate for missed weekends so that a parent will not go more than two weekends without having weekend parenting time.

(O) **Conflict Between Holiday Parenting Time and Birthday Celebrations.** When there is a conflict between birthday and holiday time, the holiday schedule shall apply. However, the parties should be flexible in allowing the birthday to be celebrated either the weekend before or the weekend after the holiday period.

**1.6 Summer Schedule.** Before May 1st of each year, both parties shall consult with the other to discuss a schedule for the summer months.

**1.7 Vacation Periods.** With 30 days advance notice and consultation with the other parent, each parent may arrange to take a vacation with the children for a period of time not exceeding 14 days. Such time shall not be scheduled during the other parent's holiday time.

**1.8 Special Considerations for Older Children.** Both parents have the obligation to jointly adopt a parenting plan in which time with the child and responsibility for the child is determined. With older children, special consideration should be given to the child's school and social and work schedules and the wishes of the older child. Any parenting plan agreed to by the parents

should be determined in consultation with the older child and for the older child's overall best interest. The schedule for parenting time should allow the child to have regular and consistent contact with both parents while not unduly limiting or affecting the child's work, school, or reasonable social activities. Although the child's wishes and desires should enter into any schedule of parenting time, those wishes are not controlling. The schedule for parenting time should be more flexible and less structured than for children of other ages.

**1.9 Contact With Both Parents.** The child shall be encouraged to have contact with both parents and shall be allowed frequent time with each parent. This includes physical contact, correspondence, telephone conversations, and other means of interaction. Each parent shall make every effort to follow through with the scheduled arrangement. If a parent has scheduled time with the children, it is that parent's responsibility to provide or locate appropriate supervision for the children if the time is to be missed or rescheduled. Whenever reasonably possible if a parent cannot be with the child during a regularly scheduled parenting time, that parent should give the other parent the opportunity to care for the child instead of hiring babysitters or finding friends or other family members to watch the children. In considering the reasonableness of the situation, the parties should consider the amount of time the parent will be away, the distance between the parents, the age of the children and other factors considered relevant by the parties.

**1.10 Problem-Solving.** When disagreements occur regarding arrangements for the children, both parents agree to make every effort to openly discuss options to resolve disputes and solve problems. If conflicts continue, options such as educational classes, mediation, and counseling should be considered as methods of resolving those conflicts.

**1.11 Current Address and Telephone.** Each of the parties shall supply the other with his/her

current residential address and telephone number and shall advise the other of any changes that may occur. Such notice should be made promptly, but in any event, it shall be made in writing within five days before the change. It would be advisable for each parent to give the other a number to be reached if an emergency situation should arise.

**1.12 Telephone Contact Between Parent and Child.** The parent with whom the child is not then living with 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 the parent is not with the child. Attempted phone contact with a child should not be used as an opportunity by either parent to discuss with the other parent issues unrelated to the child. When telephone contact is attempted to be made with the child, the child should have either direct access to the telephone or the telephone should be given directly to the child with a minimal amount of conversation between the parents unless necessary for discussion of matters related to that contact. The parent with whom the child is then living with should not refuse to answer the phone, turn off the phone or put a call block on the line in order to deny the other parent telephone contact with the child. If the child is not home when the Parent calls, the Parent with whom the child is then with should encourage and facilitate a return phone call by the child as soon as is reasonable possible under the circumstances.

**1.13 Mail Contact Between the Parent and Child.** The parent with whom the child is not living and the child should have unlimited ability to contact each other by use of either regular United States mail, or electronic mail, if such an account is available. The parent with whom the child is not living should provide self-addressed stamped envelopes for the child to use.

**1.14 Transportation.**

**(A) Responsibility for Transportation of Child.** Unless otherwise stated in the

order or agreed by the parents, it shall be the responsibility of the parent scheduled to have parenting time with the child to pick up the child. The other parent shall pick up the child at the end of the scheduled parenting time. It shall be the responsibility of each parent to have the child ready at the time that the child is to be picked up. If the shortest distance between the parents' residences exceeds 25 miles one way, the parents should consider other arrangements to share the transportation responsibilities.

**(B) Notice of Transportation Difficulties.** In the event the parent either picking up or dropping off the child is unavoidably detained making the pick-up or drop-off late, for reasons not reasonably foreseeable by that party in advance, that party shall advise the other as soon as possible of the delay and the expected time of arrival. The parties should be flexible and cooperative in dealing with traffic delays, workplace emergencies, and the like. Each party should be considerate of the other's plans and endeavor to avoid delays in picking up or dropping of the child whenever possible.

**1.15 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 three days advance notice if he or she does not intend to exercise time with the child. If an emergency situation prevents such advance notice, he or she shall give as much notice as possible under the circumstances. In such situations, the parent unable to spend time with the child is not necessarily entitled to compensatory or "make-up" time. Any change in the schedule must be agreed upon by both parties.

**1.16 Late Fees.** In the event that a parent is late picking up a child from daycare or is otherwise unable to pick up a child at day care and late pick up fees are assessed, the parent responsible for the late pick up shall also be responsible for the late fees incurred.

**1.17 Long Distance Parenting.** Not applicable to this family.

**1.18 Prescription Medication.** If a child is prescribed medication by a licensed health care provider, the parent filling the prescription shall see that the child has an adequate supply of medication together with appropriate instructions prior to any transfer to the other parent's care. The other parent shall be responsible for insuring that the child is given the medication according to the prescription while in that parent's care.

**1.19 Reasons That Are Not Valid for Denying Contact.** Children benefit greatly from having a good relationship with both parents. Time with each parent is the child's right.

Reasons that are not valid excuses for denying contact include the following:

1. The child is sick (unless the non-residential parent is provided with the specific nature of the illness and if given an opportunity to see the child).
2. The child had to go somewhere else.
3. The child is not home.
4. The non-residential parent is behind in the child support obligation.
5. The child wants to stay home.
6. The residential parent does not want the child to go.
7. The weather is bad.
8. The child has no clothes to wear.

**1.20 Phase-In of Parent-Child Contact in Certain Cases.** Not applicable to this family.

#### **Child Support**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Chantel Best is entitled to child support from Sunn E. Trager in the amount of \$\_\_\_\_\_ per month, said child support payments commencing on the 1st day of August, 2005, and continuing on the 1st

day of each month thereafter. The support rights of a child shall cease on the occurrence of any one of the following events: (a) the death of the child; (b) valid marriage of the child; (c) entry of the child into military service; (d) in the event the child turns 18 years of age before completing the child's high school education in which case the support shall not terminate automatically, unless otherwise ordered by the Court, until the 30th day of June of the year in which the child is graduated from high school; (e) the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which the Court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school; or (e) on the last day of the month following the child's 18th birthday, in the event the child is not attending any bona fide high school.

**IT IS FURTHER ORDERED** that all support and maintenance payments shall be made payable to the order of the Kansas Payment Center P. O. Box 758599, Topeka, Kansas 66675-8599. Each payment must include the Court Order Number (case number) preceded by the two digit alpha character identifier for Johnson County (JO).

**IT IS FURTHER ORDERED** that the District Court Trustee shall enforce the orders of support entered herein. Each party shall inform the District Court Trustee in writing of any change of name, residence, and employer (with business address) within 7 days after such change.

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Judge

Signatures

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Chantel Best, Mother

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Sunn E. Trager, Father

Submitted by:

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