

Creating Your Tranquil Parenting Plan

Workbook for Separated Parents

by

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If you don't understand anything about parenting with your child's other parent, understand this...

Your child has two parents and just because you both have different opinions does not mean one parent is bad or incorrect. It just means you both are human with two different styles and two different opinions.

AKA - THIS IS NORMAL! A parenting plan is where you both get to say your opinion and choose between them.

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.



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.

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.

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 at the following time: _____.
If a new version of this parenting plan is not agreed upon now, then the preceding agreement shall remain in effect. This allows for changes to be updated as needed.

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
-

 Step 6: Fill Out Your Parenting Plan Worksheet

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 to separate the child from the other parent for more than ___ days/weeks.*
- If the vacation falls in the schedule 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 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, per 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 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 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.

 Step 6: Fill Out Your Parenting Plan Worksheet

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:

- If 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 to spend more time with the child if the other parent is not available to spend time with the child at that time. The other parent shall be notified promptly as to where the child is and where the exchange shall take place.*

Step 6: Fill Out Your Parenting Plan Worksheet

Education

The child's educational requirements shall be determined by:

- Mother
- Father
- Both Parents

The recommended public and 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:

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 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 1st of each year.*

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

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

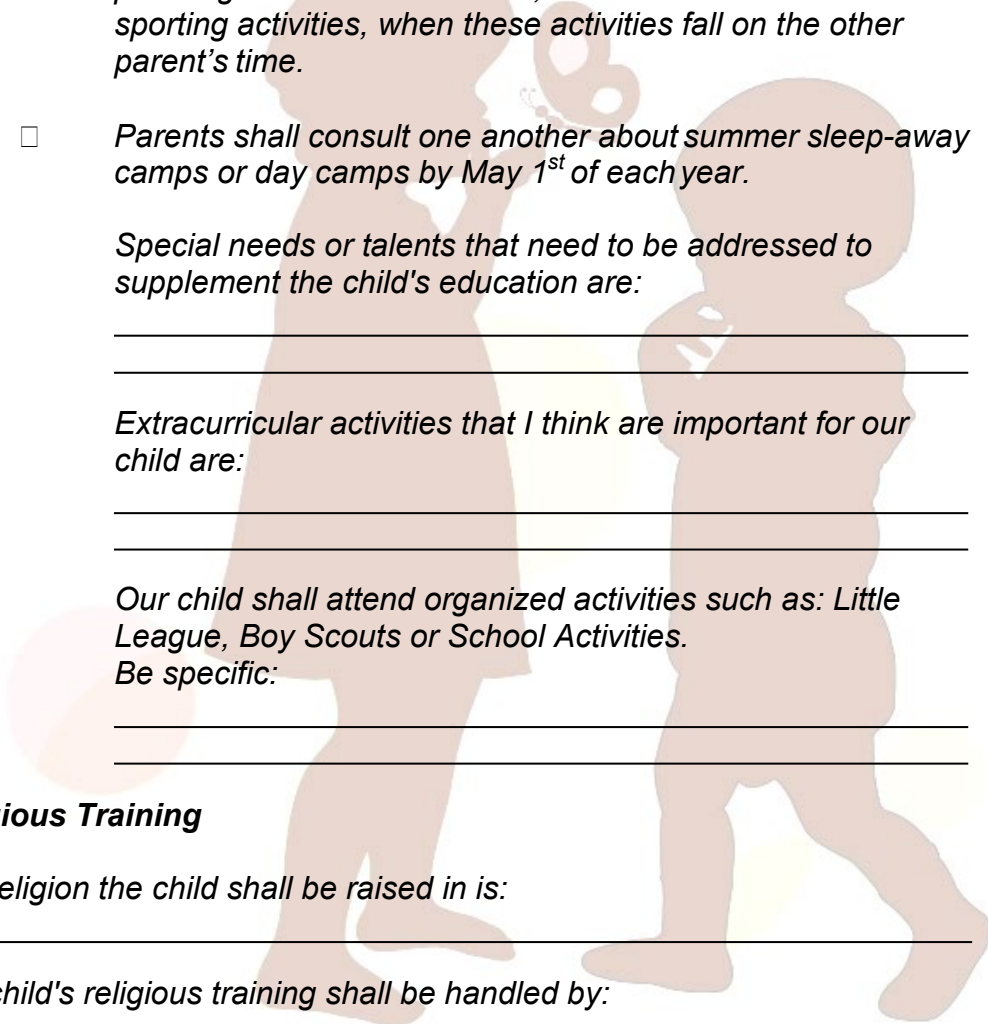
*Our child shall attend organized activities such as: Little League, Boy Scouts or School Activities.
Be specific:*

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:



 Step 6: Fill Out Your Parenting Plan Worksheet

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.

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Immunizations:

Yes No

Birth Control:

Yes No

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:

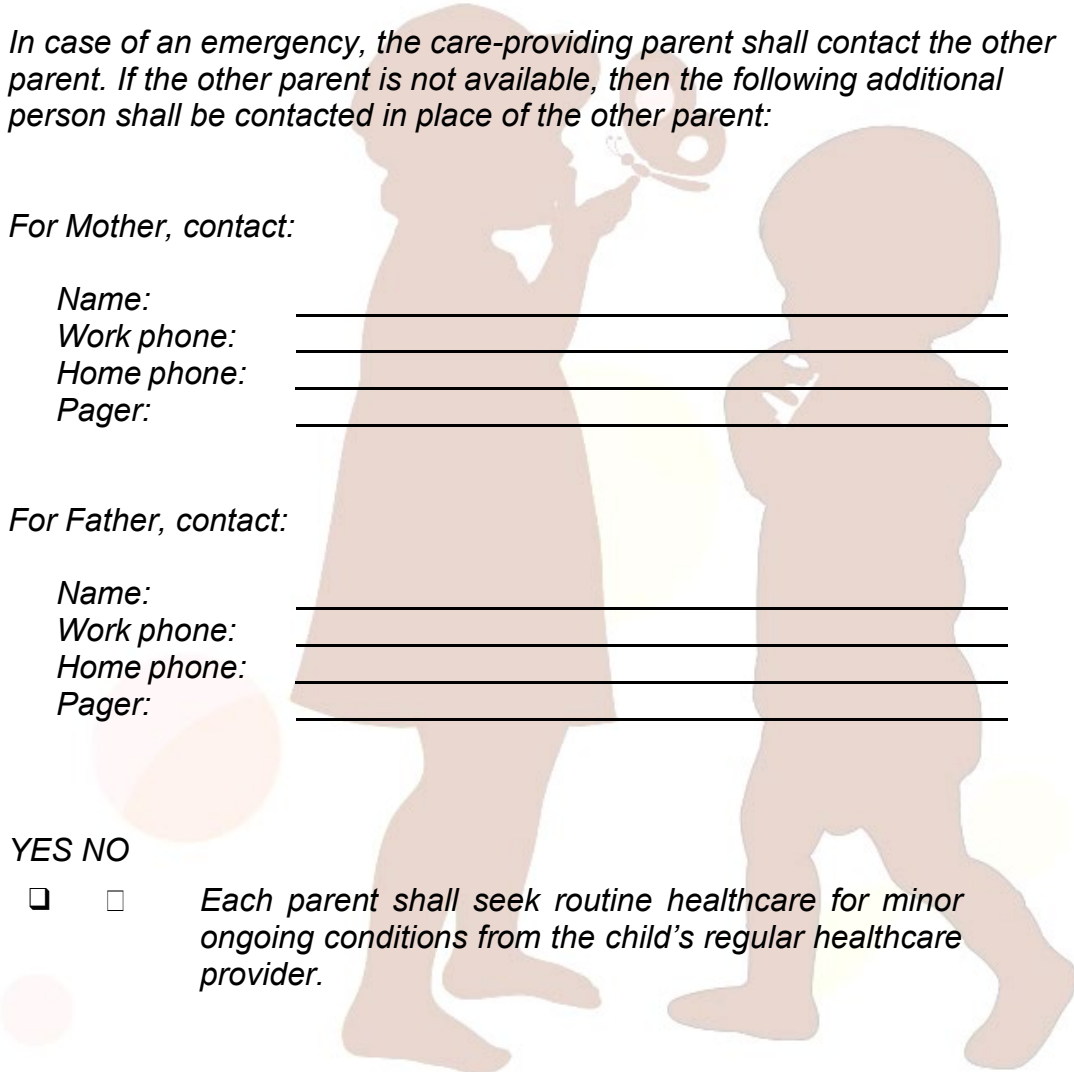
Name: _____
Work phone: _____
Home phone: _____
Pager: _____

YES NO

 Each parent shall seek routine healthcare for minor 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 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.



 Step 6: Fill Out Your Parenting Plan Worksheet

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 per the following time schedule: (Example: \$250.00 on the 1st and 15th 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.

 Step 6: Fill Out Your Parenting Plan Worksheet

Clothing

YES NO

Each parent shall maintain adequate clothing and accessories for the child's use with the expectation that if 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 if 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 alienation 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.*

 Step 6: Fill Out Your Parenting Plan Worksheet

Communication Between Parents

Both 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>
<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> |
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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 bedtimes, 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.*
-

 Step 6: Fill Out Your Parenting Plan Worksheet

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 such as the Breakthrough Parenting program provided by Sonja Redden. If yes, what program is suggested?

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

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: _____

Step 6: Fill Out Your Parenting Plan Worksheet

International Travel and Passports

YES NO

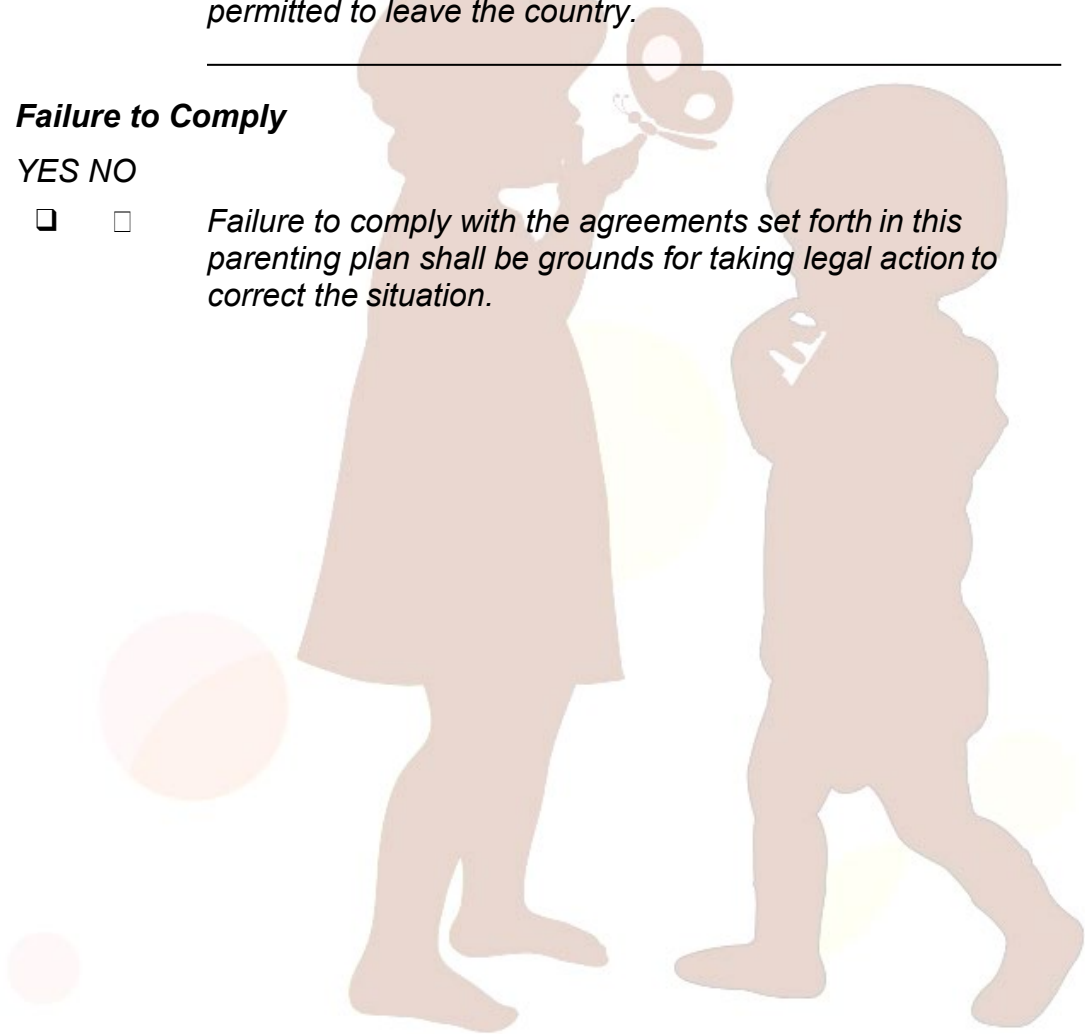
- The child's passport shall be available to both parents. If no, which parent shall keep the child's passport?*

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.*



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: _____

Creating a Tranquil Parenting Plan

HOLIDAY/VACATION SCHEDULE

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

HOLIDAY SCHEDULE			
HOLIDAY	TIME	EVEN YEARS	ODD YEARS
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 th			
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			
Sibling's Birthday			
VACATION SCHEDULE			
Winter Vacation – 1 st Half			
Winter Vacation – 2 nd Half			
Spring Vacation – 1 st Half			
Spring Vacation – 2 nd Half			
Summer Vacation			
Visit Family Not Near			
Family Reunions			
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 to 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 will not 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 can work together easily on their parenting plan. Many, however, will need to use a variety of professional 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 do not 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 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 to arrive at a responsible agreement with the other parent.

Coaching and Counseling

There are many kinds of coaches and 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.

Step 7: Make Your Agreement Legal

Processing emotional issues in the safe environment of a therapist's office can be greatly 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.

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.

Art Therapy

Art therapy may help you open to your creative imagination which can be a beneficial practice while seeking creative ways to resolve conflict and disagreements.

Mediation

Mediation is the newest, most innovative alternative to litigation in 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 incredibly good at figuring out details for your plan that you may never have thought of because you have not had that kind of experience. A good mediator can be worth his or her weight in gold!

The advantages of mediation are saves time; money; emotional health; and it 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.

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 can 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.

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 every day. 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, do not go to a lawyer that 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 per 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 room. Some families may settle most items yet need a referee to decide the final items instead of going to court. A referee hearing would be in the best interest to change or update schedules or agreements as your child gets older.

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 the work that you have done in Creating a Tranquil 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 quite 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 could 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 retype it in a new document.

SAMPLE PARENTING PLAN

1. This parenting plan for Sally Stephens is an agreement between John and Mary Stephens and can be altered by agreement of both parties in writing and 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.

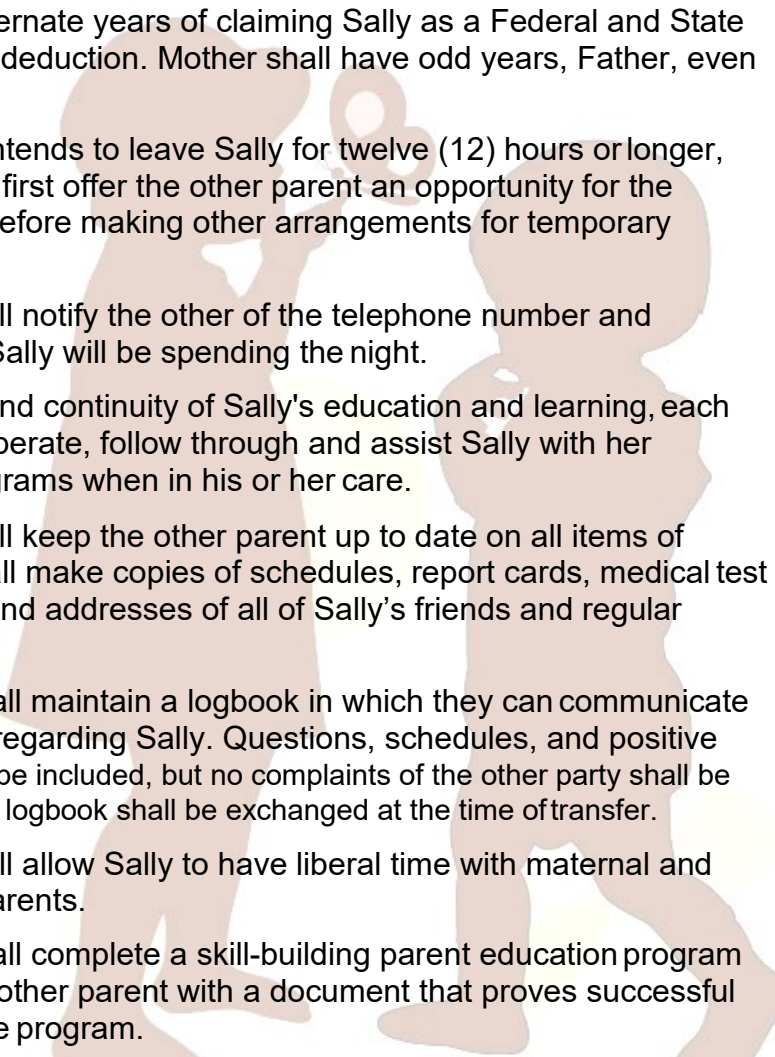
Week Four: Same as Week Two.

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.
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Step 7: Make Your Agreement Legal

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 the above shall be made by the written consent of both parents and 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 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 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.

Creating a Tranquil Parenting Plan

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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 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. If 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.
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Step 7: Make Your Agreement Legal

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

 Step 7: Make Your Agreement Legal

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 th		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 st Half	12/20 after school to 1pm 12/26	MOM	DAD
Winter Vacation – 2 nd Half	12/26 1pm to 1pm 12/31	DAD	MOM
Spring Vacation – 1 st Half	After school 3:00pm	MOM	DAD
Spring Vacation – 2 nd Half	Monday morning exchange	DAD	MOM
Summer Vacation	2 weeks in summer, decide by May 1	BOTH	BOTH
Other			

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 this information will eventually be given to the judge. The judge will usually decide the child custody issues per 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 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 do not have to come up short-handed.

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 does not 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 children. 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.
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Appendix

3. Chronology or timeline of key events that have 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 plans.
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
10. A journal or logbook of dates and time when interactions happened. What you have learned from them and even things you have learned to do as a parent that you may have not known prior to becoming a single parent.

