
WEST VIRGINIA PARENTING PLAN INSTRUCTIONS

The Family Court requires a Parenting Plan in all cases involving minor children. As a case begins, if parents can agree on a Parenting Plan, they can submit a Joint Proposed Parenting Plan to the court, and request that the court make a temporary order on parenting based on the Joint Parenting Plan. If the parents cannot agree on a Joint Parenting Plan, either parent can submit an Individual Proposed Parenting Plan, and ask the court to enter a temporary order on parenting based on that Individual Plan. If one parent wants to contest the other parent's Individual Plan, the contesting parent must submit an Individual Parenting Plan. **All individual plans must be accompanied by a completed Worksheet for Individual Proposed Parenting Plan Form.**

If a Joint Parenting Plan is submitted, the court may accept the plan as submitted, unless the court determines the plan would be harmful to the children in some way, or that one parent did not agree to the plan voluntarily, or did not fully understand to what they were agreeing. A Joint Parenting Plan accepted by the court at the beginning of a case may become the Permanent Parenting Plan that will be placed in effect when the case is concluded; although the plan can and will be modified as necessary during the course of the case. If no Joint Parenting Plan is submitted, the procedure is more complicated. What happens in these cases is discussed later in these instructions.

These Instructions, the Parenting Plan Form, and the Worksheet form used with Individual Plans are designed to assist parents in developing Parenting Plans. The following steps explain the importance of the Parenting Plan, and provide the information needed to complete the Parenting Plan and Worksheet forms. Read all of the instructions before you start filling out any of the forms.

STEP 1. WHY IS THE PARENTING PLAN IMPORTANT?

The Proposed Parenting Plan is probably the most important document you will file in your case. The Family Court will rely on the Proposed Parenting Plan to allocate custodial responsibility and time spent with the children, and decide how the parents will share the responsibility for making the decisions that guide their children's lives. So, as you begin developing your Parenting Plan, put in the time and effort to do it right, because your children's welfare depends on you doing a good job.

STEP 2. COMPLETING THE PARENTING PLAN FORM.

There is only one type of Parenting Plan form, and it is used for the preparation of both the Joint and Individual Plans. At the beginning of this form, on page 1, the first two items are used to indicate if the plan is being developed and submitted jointly, or individually. Be certain to complete the item that applies to your plan. Before you begin filling out the Parenting Plan, you may want to make some copies of the blank form. You can use these extra copies to practice on or you can use portions of the extra copies if you need additional space for some responses.

The Parenting Plan form is divided into sections. Some sections are self-explanatory, and some contain brief directions. You may be required to make a choice by placing a check mark in a box, or you may be required to write in information. It is important that you pay close attention to these instructions and the directions in the form so you can fill out the Parenting Plan correctly and completely. Type, or print clearly so your information can be read and understood by the court.

The Parenting Plan form is designed to provide a reasonable amount of space for responses, and to accommodate information for families with as many as six children. If you need additional space for some responses, or you require additional space because you have more than six children, you can write the information on a blank piece of paper, or you can use a page from one of the extra copies you made before you started filling out the form. If you use a blank sheet of paper, at the top of the sheet, write your name, case number, and the name of the section being continued from the form.

STEP 3. COMPLETING THE WORKSHEET FORM.

A Worksheet form must be completed and attached to all Individual Parenting Plans, called Worksheet for Individual Proposed Parenting Plan. If you and the other parent have agreed on a Joint Plan, you don't need to read the rest of this step; you can go directly to Step 4. If you and the other parent have not agreed on a Joint Plan, continue reading. Before you begin filling out the Worksheet, you may want to make some extra copies of the blank form.

If you and the other parent cannot agree on a Joint Parenting Plan, the Family Court will have to make the decisions the two of you couldn't make together. To make these decisions, the court needs information about your family life in the twenty-four months before your case began. This is where the Worksheet comes in. Each parent who submits an Individual Parenting Plan must submit an accompanying Worksheet.

The Worksheet sections are either self-explanatory, or they have some brief instructions included. The Parenting Responsibilities, Making Major Decisions For The Children, and Parents' Current Work Schedules sections must be completed on all Worksheets. The directions accompanying the other sections will explain who needs to complete those sections.

Like the Parenting Plan form, the Worksheet form is designed to fit most situations and provide an adequate amount of space for the average response. If you need more room for a response, follow the extra sheet procedure explained in the last paragraph of Step 2, or use a page from one of the extra copies you made before you started filling out the form.

STEP 4. SUBMITTING A JOINT PLAN TO THE COURT.

If you and the other parent have developed a Joint Plan, all you need to do to submit the plan to the court is complete and file the original Parenting Plan form, signed and notarized, in the Circuit Clerk's Office. Keep copies for yourselves, and wait for the court to schedule a hearing.

STEP 5. SUBMITTING AN INDIVIDUAL PLAN TO THE COURT.

To submit an Individual Plan to the Court, you must do three things. (1.) Fill out the Motion to Adopt Individual Proposed Parenting Plan. You will find this form in the Petitioner's Divorce Packet, and the Divorce Answer Packet. (2.) Serve copies of your Motion, Individual Plan, and Worksheet on the other parent. How to do this is explained later in this step. (3.) File the originals of your Motion, Individual Plan, and Worksheet in the Circuit Clerk's Office, together with the original of a completed Certificate of Service. The Certificate of Service is explained later in this step. Keep copies of every document you file and serve.

If the Court enters a scheduling order, you are required to file your Individual Plan in accordance with the order of the court and serve your Individual Plan on the other party. If the court does not enter a scheduling order, you should try to file and serve your Individual Plan five (5) days before the first hearing in the case. At that first hearing, the court will want to make a temporary order relating to parenting. If one parent has submitted an Individual Plan, and the other has not, the court may base the temporary order on the plan that has been filed. By failing to file your Individual Plan before the first hearing, you can lose an important opportunity to have a full say in this important decision.

It is your responsibility to make certain the other parent is properly served with your Individual Plan. First class mail is the easiest and cheapest method to serve your Plan. To do this, mail copies of your Motion, Plan, and Worksheet to the other parent by first class mail, complete a Certificate of Service form, and file the originals of *all* of these documents in the Circuit Clerk's Office. The Certificate of Service verifies that you mailed these documents to the other parent. A Certificate of Service form is included in the Petitioner's Case Packet and the Case Answer Packet.

Before we leave Step 5, here's something to think about. After reading Steps 3, 4, and 5, you will have noticed the Joint Plan is the easiest and simplest way to go; and agreeing on a Joint Plan is better for your children, too, because parents know more about their children than the court will be able to learn during a hearing in your case. So, it's fair to say it's in everyone's best interest for the parents to agree on a Joint Plan. Don't agree just to please the other parent, but if you think there is any reasonable possibility you and the other parent can agree on a fair and balanced plan, it's worth some extra effort from both of you.

STEP 6. WHAT HAPPENS AFTER SUBMITTING A JOINT PLAN?

If you and the other parent submitted a Joint Plan, the court will hold a hearing and review the plan to determine if it could be harmful to the children in any way, and to make certain both parents agreed to the plan without being pressured, and understood everything to which they were agreeing. The court may accept the plan as proposed, or accept it with whatever modifications the court determines necessary to create a complete, fair, and balanced plan that is best for the children.

STEP 7. WHAT HAPPENS AFTER SUBMITTING AN INDIVIDUAL PLAN?

At the first hearing in your case, the court is going to ask you and the other parent about your efforts to agree on a Joint Plan. The court is going to ask this even if one or both of you have submitted Individual Plans, because West Virginia law favors the Joint Parenting Plan. The law wants parents to agree on a Joint Parenting Plan because it's better for the children. So, if you and the other parent tell the court you have not tried to agree on a Joint Plan, or have tried and failed, the law requires the court to refer the two of you to a person called a Premediation Screener.

The Premediation Screener will interview you and the other parent separately, and determine if a Mediator can help the two of you come to an agreement on a Joint Plan. If the screener determines a Mediator may be able to help you agree, the court will refer the two of you to mediation. A Mediator is a neutral third person trained to help people settle disagreements. The Mediator will meet with you and the other parent together, listen to everything both of you have to say, and help you explore ways to agree on a Joint Plan. Mediation has an excellent success rate, and there is a good possibility the two of you can come out of mediation with a Joint Parenting Plan.

If mediation results in agreement on a Joint Plan, the Mediator will send that plan to the court, and the case will proceed as described in Step 6, just as if you and the other parent had agreed on a Joint Plan in the beginning.

If mediation does not produce an agreement, you and the other parent will return to court for a hearing, or a series of hearings at which both of you will present evidence and arguments in support of your Individual Plans. In other words, both of you will have a chance to prove to the court why your Individual Plan should be accepted by the court. It is the court's job to determine what's best for your children. To do this, the court will look at the way the two of you shared parenting responsibilities in the last twenty-four months before your case was filed. The way you have shared parenting responsibilities in the past will be one of the most important factors the court will consider in determining how you will share these responsibilities in the future. The court will also listen to any reasons one parent may not be fit or suitable to share parenting responsibilities in the future. After hearing all of the evidence, the court will reach a decision. The court may announce its decision at the hearing, or later. The court may accept parts of one or both Individual Plans, and will make whatever modifications or additions are necessary to create a Parenting Plan that is best for the children.

To learn about what to expect at the hearing, and how to prepare, review Steps 6 and 7 in the Petitioner's Divorce Packet Instructions, or Steps 5 and 6 in the Respondent's Divorce Answer Packet Instructions.

The End.

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

IN RE:

The Marriage / Children Of:

Civil Action No. _____

_____, and _____
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

PARENTING PLAN

This Parenting Plan is proposed

☐ individually by _____, the ☐ Petitioner / ☐ Respondent.

**Every Individual Plan must be accompanied by a completed Worksheet.*

☐ jointly by _____, and _____.

This plan is proposed for use ☐ temporarily / ☐ permanently / ☐ both temporarily and permanently.

CHILDREN

List the name and date of birth of all children subject to this Parenting Plan.

Name	Date of Birth	Name	Date of Birth
	/ /		/ /
	/ /		/ /
	/ /		/ /
	/ /		/ /

☐ The other parent should not have parenting time with the children due to the following:

_____.

RESTRICTIONS

The Family Court can restrict a parent's contact with the children if the parent has engaged in certain kinds of conduct harmful to the children. To begin, you *must* read the following list of types of conduct that can require restrictions, and then you *must* read the rest of the Restrictions section and complete the items that apply to your situation.

CONDUCT THAT CAN REQUIRE PARENTAL RESTRICTIONS.

- The parent has abused, neglected, or abandoned a child.
- The parent has sexually assaulted or abused a child.
- The parent has committed acts of domestic violence.

CONDUCT THAT CAN REQUIRE PARENTAL RESTRICTIONS (continued).

- The parent has repeatedly interfered with the other parent's rights to contact or visit the children. But, this situation does not justify restrictions if the parent interfered with the other parent's access in order to protect a child's safety.
- The parent has repeatedly made unfounded reports of domestic violence, child abuse or neglect, or sexual abuse.
- A Court has issued a restraining order against the parent for domestic or family violence.
- The parent has neglected their responsibilities for caring for the children.
- The parent has engaged in alcohol, drug, or other substance abuse that has resulted in that parent neglecting their responsibilities for caring for the children.
- The parent does not have a loving emotional relationship with the children.
- The parent habitually starts arguments with the other parent, or the children.

Next, read the rest of the section, and complete the items you want to propose for your Parenting Plan.

☐ NO RESTRICTIONS should be included in the Parenting Plan, because neither parent has engaged in any conduct harmful to the children.

☐ RESTRICTIONS should be included in the Parenting Plan, and these restrictions should be placed on the ☐ Petitioner / ☐ Respondent. These restrictions should be included in the Parenting Plan because the Petitioner or Respondent has engaged in conduct harmful to the children. If you checked the "Restrictions" box, you *must* complete the following section by listing the reasons you think restrictions should be included in the Parenting Plan. (Describe the conduct you think requires restrictions. You may describe the kinds of conduct on the preceding list, or other conduct you think is harmful, even if that conduct is not on the list. If the issuance of a restraining order is the reason for restrictions, you must list the court in which the restraining order was issued, and the case number.)

Reasons for Restrictions:

If you checked the "Restrictions" box, you *must* complete the following items to propose the types of restrictions you want included in the plan.

VISITATION

☐ No Visitation should be granted to the following individual:

☐ Petitioner. ☐ Respondent.

☐ Other Individual(s): _____.

SUPERVISED VISITATION

☐ Visitation with the children should be supervised. (If you checked this box, you must complete the next item.)

Visitation should be supervised by: _____, at the following location: _____.

(You can propose any person you trust, a professional person such as a counselor or psychologist, a minister, or an agency or organization such as a mental health or social services agency or organization. Provide a telephone number for the person or organization you propose; make certain that person or organization has agreed to act as the supervisor, and will attend the hearing at which these arrangements are discussed.)

SUPERVISED TRANSFERS

☐ Transfer of the children from one parent to another should be supervised. (If you checked this box, you must complete the next item.)

Transfers should be supervised by: _____, at the following location: _____.

(You can propose any person you trust, a professional person such as a counselor or psychologist, a minister, or an agency or organization such as a mental health or social services agency or organization. Provide a telephone number for the person or organization you propose; make certain that person or organization has agreed to act as the supervisor, and will attend the hearing at which these arrangements are discussed.)

Other Proposed Restrictions:

DECISION MAKING

Two decision-making rules apply to all cases, and all Parenting Plans.

1. The parent with whom a child is residing makes all day-to-day decisions about the care and control of the child.
2. Either parent may make emergency decisions affecting the health or safety of the children, at any time regardless of the parent with whom the children are residing at the time.

Major Decisions

Use the following list to propose whom you think should make each type of decision.

TYPE	PETITIONER	RESPONDENT	SHARED
Education:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical, Dental, Eye Care:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religious Matters:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children's Employment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motor Vehicle Use:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School and After School Activities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sports:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you checked the box for no visitation under the restrictions section, you only need to sign the Parenting Plan and Verification on the last page of this form.

HOW WILL THE CHILDREN'S TIME BE SHARED BY THE PARENTS

In this section you will propose, from this day forward, how much time you think the children should spend with each parent. The first part of this section covers preschool children, the second part covers children in school, and the third part covers holidays for all of the children.

Detailed and accurate proposals of how the children's time will be shared are very important. When a schedule for sharing the children's time is adopted by the Court and made part of a Court Order, that schedule will be the basis for the Court's calculation of child support. For this reason, it is very important for the schedule to show the real number of days the children will spend with each parent.

For example, do not make a 50/50 schedule just to make one parent feel good if you know the children will actually spend 80% of their time with one parent, because if you do, the parent with whom the children spend 80% of the time will end up with child support payments based on a 50/50 schedule, and those payments will be too small to cover the real number of days the children spend with that parent.

When you fill out these schedules, make certain you account for every day of the week, and all of the hours in the day. Make certain you account for the times parents will be on vacation from their jobs. Remember, holidays are covered separately in the third part of this section.

CHILDREN NOT IN SCHOOL

Children's names: _____.

These children will reside with Petitioner and Respondent according to the following schedule.

PETITIONER - WEEKDAYS

*Mark the day if the children will reside with Petitioner some or all of that day,
then check **All Day** if that applies, or fill in the times if **All Day** doesn't apply.*

<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.

PETITIONER - WEEKENDS

*Mark the weekends of the month the children will reside with Petitioner
all or part of the weekend, then fill in the time and day blanks.*

<input type="checkbox"/> Alternating	____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
- OR -						
<input type="checkbox"/> 1st:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 2nd:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 3rd:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 4th:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 5th:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____

RESPONDENT - WEEKDAYS

*Mark the day if the children will reside with Respondent some or all of that day,
then check **All Day** if that applies, or fill in the times if **All Day** doesn't apply.*

<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./ <input type="checkbox"/> p.m.	to ____:____	a.m./ <input type="checkbox"/> p.m.

RESPONDENT - WEEKENDS

*Mark the weekends of the month the children will reside with Respondent
all or part of the weekend, then fill in the time and day blanks.*

<input type="checkbox"/> Alternating	____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
OR						
<input type="checkbox"/> 1st:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 2nd:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 3rd:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 4th:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____
<input type="checkbox"/> 5th:	From ____:____	a.m./ <input type="checkbox"/> p.m. on	_____	to ____:____	a.m./ <input type="checkbox"/> p.m. on	_____

CHILDREN IN SCHOOL

Children's names: _____.

These children will reside with Petitioner and Respondent according to the following schedule.

PETITIONER - WEEKDAYS

*Mark the day if the children will reside with Petitioner some or all of that day,
then check **All Day** if that applies, or fill in the times if **All Day** doesn't apply.*

<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.

PETITIONER - WEEKENDS

*Mark the weekends of the month the children will reside with Petitioner
all or part of the weekend, then fill in the time and day blanks.*

<input type="checkbox"/> Alternating	____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
- OR -								
<input type="checkbox"/> 1st:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 2nd:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 3rd:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 4th:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 5th:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____

RESPONDENT - WEEKDAYS

*Mark the day if the children will reside with Respondent some or all of that day,
then check **All Day** if that applies, or fill in the times if **All Day** doesn't apply.*

<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - OR -	From ____:____	a.m./	p.m.	to ____:____	a.m./	p.m.

RESPONDENT - WEEKENDS

*Mark the weekends of the month the children will reside with Respondent
all or part of the weekend, then fill in the time and day blanks.*

<input type="checkbox"/> Alternating	____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
OR								
<input type="checkbox"/> 1st:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 2nd:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 3rd:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 4th:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____
<input type="checkbox"/> 5th:	From ____:____	a.m./	p.m. on	_____	to ____:____	a.m./	p.m. on	_____

HOLIDAYS

The following chart lists nationally recognized holidays and family occasions such as birthdays, and provides space for you to write in other special family occasions. For each holiday or occasion, in the columns "Even Year," and "Odd Year," use a "P" or "R" to indicate the parent with whom the children will spend each holiday or other occasion. Then, indicate the exact times the holiday period with the parent will begin and end. If a child will spend part of a holiday with one parent, and part with the other, put an "X" in the "Split Day" column, and in the "Exchange Time" column indicate when one parent's time with the child ends, and the other parent's time begins.

Holiday	Even Year	Odd Year	Time with the Parent:		Split Day	Exchange Time
			From	To		
New Year's Eve			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
New Year's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Martin L. King Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
President's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Easter			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Spring Break			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Memorial Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
July 4th			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Labor Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Thanksgiving Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Thanksgiving Break			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Christmas Eve			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Christmas Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Christmas Break			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Hanukkah			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Kwanza			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Other Occasions	Even Year	Odd Year	Time with the Parent:		Split Day	Exchange Time
			From	To		
Petitioner's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Respondent's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Petitioner's Birthday			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Respondent's Birthday			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Child's Birthday			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Halloween			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.

[illegible]

SUMMER AND OTHER VACATION TIMES

This plan proposes that in addition to the residential and holiday scheduling listed above, the parents will vary these schedules to divide school/work vacations as described in this section.

The parents will work together to make arrangements for specific dates and times for vacation no later than one month in advance of the time requested for vacation.

The child(ren) shall spend (how many?) _____ vacation ☐ days / ☐ weeks with Petitioner and (how many?) _____ vacation ☐ days / ☐ weeks with Respondent.

Dates: _____

DESIGNATION OF LEGAL CUSTODIAN

Federal and state laws require that the parent with whom the children spend the majority of time be designated as the children's legal custodian. You may choose to alternate the legal custodian between the even and odd years.

Under this Parenting Plan, the designated legal custodian is the:

- ☐ Petitioner.
☐ Respondent.
☐ Alternates yearly between Petitioner and Respondent. (*Designate a schedule below.*)

During evenly numbered years the legal custodian is the ☐ Petitioner. or ☐ Respondent.

During oddly numbered years the legal custodian is the ☐ Petitioner. or ☐ Respondent.

If the parent with whom the children spend the majority of time is not the same for all of the children, you must make separate legal custodian designations.

Child's Name Legal Custodian: ☐ Petitioner ☐ Respondent ☐ Alternating

Child's Name Legal Custodian: ☐ Petitioner ☐ Respondent ☐ Alternating

Child's Name Legal Custodian: ☐ Petitioner ☐ Respondent ☐ Alternating

Child's Name Legal Custodian: ☐ Petitioner ☐ Respondent ☐ Alternating

Child's Name Legal Custodian: ☐ Petitioner ☐ Respondent ☐ Alternating

TRANSFERS OF THE CHILDREN FROM PARENT TO PARENT

When a child's time with one parent ends, and time with the other parent begins, the Parenting Plan must provide standard arrangements for transferring your child. Propose those arrangements in this section. Part 1 is for weekdays; Part 2 is for weekends. *One transfer arrangement is the same in all Parenting Plans.* The parent waiting for the children shall always allow the parent bringing the children a 30 minute grace period.

1. Weekday transfers occur at the

☐ Petitioner's Residence. ☐ Respondent's Residence. ☐ Child's School.

☐ Other location: (Specific address.) _____.

Time of transfer: ____:____ ☐ a.m./ ☐ p.m.

Other arrangements. (Be specific.)

_____.

2. Weekend transfers occur at the

☐ Petitioner's Residence. ☐ Respondent's Residence. ☐ Child's School.

☐ Other location: (Specific address.) _____.

Time of transfer: ____:____ ☐ a.m./ ☐ p.m.

Other arrangements. (Be specific.)

_____.

TRANSPORTATION ARRANGEMENTS FOR THE CHILDREN

☐ The arrangements for, and costs of everyday transportation will be the responsibility of the parent with whom the child is residing.

OR

☐ The following arrangements will apply:

_____.

Special Travel

☐ The arrangements for, and the cost of special or unusual travel will be the responsibility of:

☐ Petitioner. ☐ Respondent. (Examples: trips by airplane, bus, or train to visit a distant parent, or travel by these methods for school trips.)

OR

☐ The following arrangements will apply:

_____.

TELEPHONE CONTACT BETWEEN PARENTS AND CHILDREN

The parent with whom a child is not residing needs to make special efforts to stay in touch with the child; and the parent with whom a child is residing needs to encourage the child to stay in touch with the other parent. In this section you will propose the arrangements for these communications.

Child Calling A Parent

A child may call the parent with whom the child is not residing:

- ☐ At any time.
- ☐ Weekdays between the times of: ____:____ ☐ a.m. / ☐ p.m. and ____:____ ☐ a.m. / ☐ p.m.
- ☐ Weekends and holidays between the times of: ____:____ ☐ a.m. / ☐ p.m. and ____:____ ☐ a.m. / ☐ p.m.
- ☐ Other: _____

Long distance calls from child to the parent will be paid for by _____.

Parent Calling Child

A parent with whom a child is not residing may call the child:

- ☐ At any time.
- ☐ Weekdays between the times of: ____:____ ☐ a.m. / ☐ p.m. and ____:____ ☐ a.m. / ☐ p.m.
- ☐ Weekends and holidays between the times of: ____:____ ☐ a.m. / ☐ p.m. and ____:____ ☐ a.m. / ☐ p.m.
- ☐ Other: _____

Long distance calls from parent to the child will be paid for by _____.

COMMUNICATION BETWEEN PARENTS

Parents need to regularly communicate with each other to provide the best possible care for their children, and to reduce the stress on the children. In this section you will propose the arrangements for these parent-to-parent communications.

FIVE REQUIREMENTS APPLY IN ALL CASES. Read each of these five requirements, and check the boxes to show you have read the requirements.

- ☐ 1. The parents will inform each other as soon as possible about all of the children's school, sports, and other activity schedules to ensure nothing interferes with the children's participation.
- ☐ 2. The parents will always let each other know their current residence addresses, mailing addresses, home, work, and emergency telephone numbers, and will notify each other within 24 hours of any changes in these matters. BUT, this requirement does not apply in cases in which the Family Court has allowed the withholding of identifying information.
- ☐ 3. The parents will never say anything in the children's presence that would reduce the children's love or affection for either parent.
- ☐ 4. The parents will never allow any person in the children's presence to speak poorly of an absent parent.
- ☐ 5. The parents will never discuss disagreements or financial matters in the children's presence.

COMMUNICATION BETWEEN PARENTS (continued)

The next requirement is optional. (To propose it as a part of your Parenting Plan, check the box.)

- ☐ A parent will not schedule activities for the children during the other parent's scheduled parenting time, unless the parent with the parenting time agrees in advance. The only exceptions are:

*Use the following space to propose any other communications arrangements you want as part of your Parenting Plan.

CHANGES IN PARENTING PLAN ARRANGEMENTS

As the children grow, their lives, activities, and schedules will change. In the short term, parents and children will have occasional, unavoidable changes in their schedules. From time to time, such changes will require changes in Parenting Plan arrangements. By agreeing ahead of time how these changes in the Parenting Plan will be handled, you can avoid the time and expense of going back to Family Court.

Three rules always apply to changes.

- 1. If one parent requests a non-emergency change in the Parenting Plan arrangements, the parent receiving the request will decide whether to permit the change.**
- 2. If a change in Parenting Plan arrangement is required because of an emergency, the parent with custody of the children at the time of the emergency does not require advance agreement of the other parent to make the change, but must notify the other parent of the emergency as soon as possible.**
- 3. Don't use the children to communicate changes in the Parenting Plan arrangements.**

Proposals for handling non-emergency changes in Parenting Plan arrangements:

- ☐ A parent receiving a request for a change will never use a request for a change as a bargaining chip, or as a way to punish the parent making the request.
- ☐ A parent making a request for a change will make the request
☐ in person. ☐ by phone. ☐ in writing. ☐ by e-mail.
- ☐ A parent making a request for a change will make the request as soon as possible, but in any event, no less than _____ before the change is to occur.
- ☐ A parent receiving a request for a change will respond as soon as possible, but in any event, must respond within _____ after receiving the request.

CHANGES IN PARENTING PLAN ARRANGEMENTS (continued)

- ☐ A parent receiving a request for a change will respond
☐ in person. ☐ by phone. ☐ in writing. ☐ by e-mail.
- ☐ A parent requesting a change will be responsible for any additional child care or transportation costs caused by the change.
- ☐ Other arrangements: _____

MILITARY PARENTS

If one or both parents are members of the Navy, Air Force, Marine Corps, Coast Guard, National Guard or a reserve component of these services, then the parents shall provide the parenting arrangements while one or both parents are deployed for combat operations, a contingency operation, a natural disaster, or military school or training, based on orders that do not permit family members to accompany the parent. If a parent is deployed as provided above and said deployment substantially changes the parenting agreement, the parents agree the children will reside during the deployment with:

- ☐ Petitioner.
☐ Respondent.
☐ Other Individual(s): _____

When the deployment is completed the parents agree to:

- ☐ Return to the parenting agreement prior to deployment immediately.
☐ Other: _____

If a military parent is on break or leave during a deployment as described above then all reasonable efforts shall be made to allow parenting time for the military parent.

ADDITIONAL TERMS AND CONDITIONS

The Parenting Plan form is designed to cover most, if not all, necessary matters. However, if you want the plan to address subjects not covered by this form, you need to write a detailed description of the additional terms and conditions you want included in the plan. If you have no additional terms and conditions to include, you must check the following line.

- ☐ NO additional terms and conditions.
☐ Additional terms and conditions are:

SETTLING DISAGREEMENTS

Despite a good Parenting Plan, and the best intentions of the parents, disagreements may still arise from time to time. These disagreements will be harmful to the children, and to the parents. By agreeing in advance on a way to settle disagreements, you can avoid the time and expense of going back to Family Court. In this section you can propose how you want to settle any disagreements that may arise.

Disagreements about the Parenting Plan should be handled in the following manner:

☐ Counseling. Conducted by: _____.

☐ Mediation. Conducted by: _____.

☐ Other means: _____.

Costs of settling disagreements should be handled as follows:

Petitioner pays _____ % of the costs. Respondent pays _____ % of the costs.

☐ The person settling the disagreement will decide how the costs are shared.

Parents should notify each other of disagreements in the following manner:

☐ In writing. ☐ In person. ☐ By telephone. ☐ By certified mail.

☐ Other: _____.

THE FAMILY COURT'S POWER TO ENFORCE PARENTING PLANS

Once the Family Court accepts and adopts a Parenting Plan proposed by the parties jointly or individually by one party, the plan becomes a Court Order, and must be obeyed. This means both parents must abide by all of the terms and conditions of the Parenting Plan. Even if one parent violates the Parenting Plan, the other parent does NOT have the right to violate the plan in retaliation.

WAYS IN WHICH THE FAMILY COURT CAN ENFORCE A PARENTING PLAN

If the Parenting Plan provides a remedy for a violation of the plan, the Court can use its power to enforce that remedy. If the Court thinks that remedy is inadequate, the Court can enforce another remedy of the Court's choosing.

If a parent interferes with the other parent's rights to custody or visitation, the Court can order make-up time to compensate for time missed with the children.

If a parent wrongly caused the other parent to miss time with the children, the Court can award monetary compensation for the missed time, and can award child care costs and other expenses caused by the missed time.

If a parent violates the Parenting Plan, the Court can modify the plan in favor of the parent who did not violate the plan. The Court can change custodial responsibility to favor the non-violating parent, or the Court can grant exclusive custodial responsibility to the non-violating parent. The Court can order a parent violating a Parenting Plan to submit to counseling. The Court can order a parent violating a Parenting Plan to pay a civil penalty up to \$100 for a first violation, up to \$500 for a second violation, or up to \$1,000 for a third violation.

The Court can order a parent violating a Parenting Plan to pay the other parent's court costs, attorney's fees, and any other expenses that parent incurred to return to Family Court to enforce the Parenting Plan.

You must sign the plan, and the Verification, which appears on this page following the signature lines.

Signatures: *(Petitioner and Respondent both sign only if submitting a Joint Proposed Parenting Plan.)*

Petitioner (Print Name.) Signature Date

Respondent (Print Name.) Signature Date

VERIFICATION

(One parent signs Verification for Individual Proposed Plan.
Both Parents sign Verification for Joint Proposed Plan.)

I / we, _____,
after making an oath of affirmation to tell the truth, say that the facts I/we have stated in this Proposed Parenting Plan are true to the best of my/our personal knowledge and belief; and if I/we have provided information given to me/us from others, I/we believe that information to be true.

Parent's Signature Date

Parent's Signature Date

This Verification was sworn to or affirmed before me on the _____ day of _____, 20_____.

Notary Public / Other Official

My commission expires: _____.

IN RE:

The Marriage / Children Of:

Civil Action No. _____

_____, and _____
 Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

WORKSHEET FOR INDIVIDUAL PROPOSED PARENTING PLAN

This Worksheet completed by: _____ Date: ____ / ____ / ____
 (Print your name.)

PARENTING RESPONSIBILITIES

Complete the following list which shows how you and the other parent have shared parenting responsibilities in the last twenty-four months before your case was filed. Do not provide information for any time after the filing of the case. For each responsibility, the blanks should always add up to 100 percent.

This list is for the children named: _____.

(A) Daily Physical Needs and Care

Examples: feeding, bedtime and wake-up routines; care when child is sick or hurt; bathing, grooming, personal hygiene, and dressing; recreation and play; physical safety; transportation.

Petitioner _____ % Respondent _____ %

(B) Developmental Needs

Examples: learning to walk, talk and use eating utensils; toilet training; development of self-confidence and maturity.

Petitioner _____ % Respondent _____ %

(C) Development of Proper Behavior

Examples: discipline, instruction in manners; assignment and supervision of chores.

Petitioner _____ % Respondent _____ %

(D) Educational Matters

Examples: making school arrangements; communicating with teachers and counselors; supervision of homework; monitoring grades and discussing school related matters.

Petitioner _____ % Respondent _____ %

(E) Development of Social Skills

Examples: teaching the child how to develop proper personal relationships with friends, brothers and sisters, and adults.

Petitioner _____ % Respondent _____ %

(F) Health Care

Examples: making arrangements and appointments for health care; accompanying child to doctor's and dentist's appointments; discussing child's health care needs with doctors, dentists, and other health care providers; providing care in the home when child is ill.

Petitioner _____% Respondent _____%

(G) Moral and Religious Matters

Examples: discussing moral and religious matters with the child; providing moral and religious guidance; accompanying the child to church.

Petitioner _____% Respondent _____%

(H) Child Care Matters

Examples: making arrangements for child care by family members, baby-sitters, or child care facilities; supervising and communicating with these child care providers.

Petitioner _____% Respondent _____%

MAKING MAJOR DECISIONS FOR THE CHILDREN

Explain how you and the other parent have shared the responsibilities for making major decisions for the children. This information is for only the last twenty-four months before your case was filed. Do not provide information for any time after the filing of the case.

1. First, review the types of decisions in the list on the next page, then answer the following question.

Did you and the other parent always make the types of major decisions on the list by talking the decision over, and coming to an agreement on what the decision should be?

☐ YES ☐ NO

If you answered "Yes," you don't need to complete the list; you're finished with this section. If you answered "No," read item 2.

2. Complete the list on the next page by indicating the percentage of time each type of decision was shared, which means you and the other parent talked the decision over and came to an agreement on the decision; or the percentage of time each type of decision was made by you or the other parent, alone, without talking it over. For each type of decision, the numbers in all of the blanks should always add up to 100 percent. In items (F) and (G), you may write in other types of major decisions, and complete those items just as you completed the first part of the list.

This list is for the children named: _____.

(A)	<u>Education</u>	Shared _____ %	Petitioner _____ %	Respondent _____ %
(B)	<u>Non-Emergency Health Care</u>	Shared _____ %	Petitioner _____ %	Respondent _____ %
(C)	<u>Religion</u>	Shared _____ %	Petitioner _____ %	Respondent _____ %
(D)	<u>Child Care</u>	Shared _____ %	Petitioner _____ %	Respondent _____ %
(E)	<u>School Related Activities</u>	Shared _____ %	Petitioner _____ %	Respondent _____ %
(F)	_____	Shared _____ %	Petitioner _____ %	Respondent _____ %
(G)	_____	Shared _____ %	Petitioner _____ %	Respondent _____ %

PARENTS' CURRENT WORK SCHEDULES

List your current work schedule. Complete only the part on your work schedule.

Petitioner's Work Schedule

Respondent's Work Schedule

CHILDREN'S SCHOOL, AFTER SCHOOL, & SPORTS ACTIVITIES

List your children's current school, after school activity, and sports schedules. School includes pre-school and kindergarten programs. Explain when and how the children go to school and other activities, and when and how they come home. (If you have filed an Affidavit To Withhold Identifying Information, then you do not have to list your children's school.)

☐ None of our children attend school, pre-school, or kindergarten.

This list is for the children named: _____.

CHILD CARE

Explain the arrangements for child care currently provided to your children by persons other than the parents. Explain who provides child care, and explain the child care schedule. (If you have filed an Affidavit To Withhold Identifying Information, then you do not have to provide the name of the childcare provider.)

☐ None of our children receive child care from any person other than the parents.

This list is for the children named: _____.

OTHER INFORMATION

Provide any other information you think the court should know concerning how you and the other parent take care of the children.

VERIFICATION

I, _____, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Proposed Parenting Plan Worksheet are true to the best of my personal knowledge and belief; and if I have provided information given to me by others, I believe that information to be true.

Signature

Date

This Verification was sworn to or affirmed before me on the _____ day of _____ 20____.

Notary Public / Other Official

My commission expires: _____.