Mission Possible: Creating Parenting Plans in Complex Cases

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Dr. Philip Stahl is a forensic psychologist in private practice, living in Maricopa County, AZ, who provides consultation and expert witness testimony in child custody litigation throughout the United States and North America. His primary area of specialty is relocation, including complex international relocations. Dr. Stahl is licensed in Arizona, California, Hawaii and Michigan. Dr. Stahl conduct trainings throughout the United States and internationally for attorneys, child custody evaluators, and others working with high-conflict families of divorce. He is on the faculty of National Judicial College in Reno Nevada, teaching domestic violence judges since 2000, and he regularly speaks at state judicial colleges. He has spoken internationally on family law matters for over 15 years.


His most exciting project has been his newest book, written with his daughter Rebecca Stahl, JD, LLM, titled Representing Children in Dependency and Family Court: Beyond the Law, published by the ABA Family Law Section in June 2018.

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Andy Wilson joined Young, Berman, Karpf & Gonzalez as an associate in February 2017. Since graduating from law school and passing the Florida bar exam in 2009, Andy has devoted nearly 100% of his practice to marital and family law litigation, including divorce, child custody, and Hague Convention issues from case intake through trial and appellate proceedings. Andy has been appointed as an Attorney ad Litem in family law proceedings and is trained in Collaborative Family Law. While in law school, Andy was elected as a Vice President of the University of Miami School of Law Moot Court Board and received the Dean’s Certificate of Achievement in Family Law. He graduated from the University of Miami School of Law in 2009. Outside of the office, Andy enjoys playing beach volleyball and is the co-captain of an intramural sports team based in South Beach.
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Two Recent ABA Books

What is a Parenting Plan

- A document developed by parents or court-ordered that focuses on critical and relevant aspects of parenting after divorce
- A parenting plan should be specific to unique needs of the family
- Will differ if a family is:
  - Low conflict
  - Medium conflict
  - High conflict
  - Super high conflict
Typical Components of Parenting Plans

- A clearly defined schedule of parenting times
- A schedule for holidays
- A clause defining responsibility when children are sick or a parent is unavailable
- A clause outlining transportation between parents
- Several clauses about who makes decisions about:
  - Major issues
  - Day-to-day issues
  - What to do if the parents can’t agree

Difficult Issues Affecting Parenting Plans

- Relocation
  - Need different details
  - Domestic vs. International
  - Communication about child
  - Logistics
- Infant/Toddlers
  - Communication about child
  - Logistics
  - Child’s temperament/moods
  - Developmental Changes

Difficult Families

- History of marital/divorce conflict
- Parents who hate each other more than they love their children
- Children with Mental Health Issues or Special Needs
- Parents with Significant Personality Traits/Disorders or Substance Abuse Issues
- Children who refuse contact with a parent
- Parents who cannot agree on decisions for children
What do we know?

- Children thrive when they have healthy and meaningful relationships with both parents.
- Most children think of themselves as being formed by both parents.
- So, a child’s chronic exposure to parental conflict often has a negative effect on the child’s view of themselves.

Why is it Important to try to Reduce Family Conflict?

- Why do children of divorce show generally lower well-being than children from intact families?
- Many reasons: parental absence, financial disadvantage, effects of parental psychological maladjustment, general life stress, but the most robust finding:
  - FAMILY CONFLICT

As divorce professionals, what do we see everyday?

The parents  The children
Low Conflict Family?

- Individual and family characteristics that were beneficial and were in place before the separation, will likely lead to low conflict divorces with positive child adjustments.
- Low conflict families that encouraged health development during the marriage, have good groundwork to lead to a low conflict parenting plan.
- Parenting Plan Checklist

Families With Conflict

- Conflict at the time of divorce does not mean that they cannot share custody or that the conflict will continue indefinitely.
- In most cases, when there is substantial conflict during the course of the divorce, that conflict fades over time – a few months to a few years.
- Families with a high level of conflict that continues for years after the divorce consume a disproportionate amount of court time and can be highly challenging for all involved.

How to use Parenting Plan to Reduce Risks of Conflict

- Thorough Client Interview
- Client Education
- Specific Provisions in a Parenting Plan
Thorough Client Interview

Once retained, do a thorough interview:
- History of the marriage
- History of parenting
- History of decisions related to children
- How were decisions made
- Issues that led them to your office

Early in the Case there are Opportunities...

From a thorough interview:
- You can see and address early indicators of gatekeeping
- You can address issues related to SIV or SCV
- You can learn if there may be CCV
- You can learn of any mental health or substance abuse issues

Through client education:
- You can normalize the stress and conflict of divorce
- You can disrupt negative behaviors that are just emerging
- You can help set a constructive tone
- You can inform your client.

Client Education

- This is the attorney 600th divorce case, but for the client, this is their 1st. Remember that:
- Clients don’t know what they don’t know;
- …and they are in a highly emotional state of mind;
- …they are usually angry/upset/hurt by the other parent, in some manner or another; and
- …they typically lack insight into their own contributions to the problems
All that anyone can ask is that you do your best.

But for your clients, your best is the least that you can give.

So, as their attorney, you need to give them some tools:

- **Information:**
  - Children suffer when they are exposed to non-physical aggression (yelling, arguing, etc.)
  - Involvement with both parents generally promotes child well-being
  - Children tend to be comforted post-separation by signs that their parents support each other

- **Practical Implications**
  - Don’t argue in front of the children
  - Be conscious of your divorce materials and conversations – children can be snoops
  - Give some tools for communicating: BIFF and timelines for responding
  - Keep children out of the middle and do not use as a messenger

More Practical Implications

- Do not say bad things about the other parent to the child. Honesty is not always the best policy.
- And instruct your family and friends to do the same.
- Remember, small children are hard to get out the door so: (1) if you are the parent trying to get them out the door to the other parent – plan for it and (2) if you are the parent receiving the children, recognize that there may be some delays
- Do not interrogate a child about what happened with the other parent
- Do not assume the worst context for everything a child says – have some healthy skepticism
The Higher the Level of Conflict and the Longer the History of Conflict, then
the More Detailed the Parenting Plan Should be.

Think Long Term
- Do not react to the current disruption and conflict without considering the long term implications
- Is there a history of conflict?
  - What was the nature of the conflict? Conflict related to adult issues or conflict over child-related issues?
  - Marital conflict often leads fathers to withdraw from parenting during the marriage –
    - if the marital conflict ends with the divorce, can parental engagement re-emerge?
- If a child has been accurately diagnosed with a special need but one parent denies it, think long and hard about sharing joint legal custody

Parenting Plans
- High Conflict and the Conflict has a Long History
- Parenting Plan should be Detailed and Rigid - Try and eliminate potential for conflict
- Think Parallel Parenting
- Low Conflict and a History of Working Together
- Parenting Plan can be detailed but also can be flexible - they can work together successfully to compromise and focus on their children’s best interests
- Think Cooperative Co-parenting
When to be Flexible

- When the parties are relatively low conflict
  - Provide a mechanism for Make Up Time and Right of First Refusal
  - Timing may not need to be as specific or rigid
  - Communication protocols can be more general

When to be Rigid

- When there is a History of High Conflict, then the Parenting Plan should be DETAILED
  - Transitions structured to limit interactions between parents as much as possible
  - Highly defined transitions (date, time, location)
  - Detailed holiday schedules and implementation
  - Communication only be email or text – or through a parenting program geared for such communication.
  - No make up time

Decision-Making and High Conflict Families

- Can you divide responsibilities?
  - Mom has final decision-making on education and Dad has final decision-making on health-related issues
- Can you implement a parent coordinator?
- Can you set forth a defined process (with required response times) for addressing issues?
- The thorny issue of Extracurricular Activities
Children with Special Needs or Mental Health Issues

- Needs of the child should be considered alongside each parent’s ability, availability, and motivation to what is necessary to meet the child’s needs.
- Are the parents able to communicate well regarding the child’s needs?
- Can the parents coordinate effectively with schools and providers?
- Can the parents provide a level of consistency between households?

Children With Special Needs or Mental Health Issues

- If a parent denies the presence of an accurately identified condition, should that parent have any role in decision-making for health care and possibly education? Should that parent have a smaller amount of parenting time?
- Would the child benefit from fewer transitions?
- How to address medications?

Parental Mental Health and Related Issues

- Does the mental health issue impact the parent’s relationship with and ability to care for the child?
- Is the issue related to the transient stress of the marital conflict and divorce or is it long-standing?
- Assessment of the issue
- Do there need to be limitations or structures placed on communications?
- Court-ordered therapy with progress reports to the court or a parent coordinator?
- Testing to confirm sobriety. Where do the tests go?
What if you have a Difficult Lawyer on Other Side

- Be measured in your responses
- Keep your focus
- Pick your battles
- Try not to escalate the conflict unnecessarily
- Try to have a conversation – not an email exchange about the issues
- But document in writing what you may need written confirmation about.
- Be prepared
- Keep your client in the loop

Cognitive Biases Affecting Parenting Plans

- Over-Simplifying complex issues
- Projecting??
- Confirmatory bias
- Others??

Considering Domestic Violence

- Separation Instigated Violence (SIV)
- Situational Couples Violence (SCV)
- Coercive Control Violence (CCV)
Critical Issues in CCV

- Stalking
- Electronic stalking
- Risks increase after separation
- Decision-making

Attorney Roles when there are Issues of Domestic Violence

- Screening:
  - Ask questions in every case
  - Ask more broadly about CCV, not just physical violence
- Education
  - Very clear that observing domestic violence has a negative impact on children.
  - CCV can take place even in the absence of physical violence.
  - Parallel parenting

Parenting Plans and Litigation

- Work on a Parenting Plan that addresses the concerns of your client in advance of the trial
- Be prepared to address why your Parenting Plan is in the best interest of the children. It has to make sense to the trier of fact.
- Use the Parenting Plan to create a checklist of what you need to get into evidence
- In Closing or as Exhibit to Aid the Court, give the Court your proposed Parenting Plan
Questions??

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High-Conflict Separated and Divorced Parents *

Rarely do we see children of high-conflict parents, without co-occurring abuse of some kind, in the dependency courts. Sometimes, however, the conflict reaches a level of such extremes that the child welfare agency gets involved. Similarly, in some jurisdictions, there is a growing tendency to appoint a representative for the child in a very high-conflict family law matter. One piece of information to remember as a children’s representative is that often the dependency case itself is the catalyst for the parents’ separation and that sometimes there is a history of conflict but sometimes the high conflict begins with the separation instigated by the dependency case. Although we will refer to conflict between parents, it is often true in dependency cases that the high conflict can be between caregivers and parents, including between foster parents and parents. While that type of conflict changes the legal analysis, from the child’s perspective, it can feel similar to conflict between parents. It is important to understand that the psychological dynamics that often contribute to parents being in very high conflict may also affect the children.

High-conflict parents are not all the same, but for many, they tend to have personality traits that contribute to exacerbating conflicts. They might have a relationship disorder, in which they interact in ways that contribute equally to disliking and not trusting each other. Others have individual personality dynamics that mimic personality disorders, or they actually have personality disorders. But we are not talking about diagnosis in this chapter. Instead, we are going to identify various personality

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* Excerpted from Chap 7 in Stahl, RM and Stahl, PM, Representing Children in Dependency and Family Court: Beyond the Law. ABA Section of Family Law, 2018.
traits that increase the risk that one or both parents will act in ways that contribute to the very high conflict. Your job as a child’s representative is not to diagnose; it is to notice whether certain traits existing in the family are damaging or mitigating damage to your client.

High-conflict couples often look at judicial orders as merely suggestions.¹ These parents are called “Angry Associates” or “Fiery Foes”² depending on the extent of their conflict. These types of parents have extreme difficulty following orders or resolving their parenting plan or financial issues. They often let one set of problems interfere with another set of problems. Many of these parents seem to hate each other more than they love their children. These parents make allegations of parental alienation (see Chapter 8), substance abuse, domestic violence (see Chapter 6), and other serious problems. Many of these parents have court orders that limit their ability to be together in the same place at the same time, even at their children’s events. Such parents have extremely derogatory attitudes toward each other. Some of these parents merge their own feelings with those of their children and have very poor boundaries with their children. In many of these families, there is additional conflict instigated by extended family members and friends. Sometimes even therapists and attorneys get drawn into the conflicts. Many family law judges refer to these families as “frequent fliers,” the 10%–15% of the families who take up 85%–90% of the court’s time.

In many ways, it appears as though the life of the child stops while the arguments between the parents continue. For many of these families, every issue becomes a

¹ Terence Bruniers, Contra Costa County Superior Court Judge, Address at View From the Bench: Luncheon speech to the Contra Costa Bar Association, Walnut Creek, CA (Jan. 12, 2000).
potential source of conflict. Sometimes this is related to the history of the relationship and the power dynamics between the parents. Sometimes one parent will not let go of the conflict because it keeps them “together” in their relationship (albeit a destructive one). Ultimately, both parents and children are significantly affected in a negative way because of this unresolved conflict.

**Contribution of Personality Features**

Over the past thirty years, a growing body of literature has developed on personality styles, in particular, narcissistic and borderline styles.\(^3\) Theodore Millon is a psychologist who researched personality disorders as well as personality traits and features that impact relationships rather than the individual. He has grouped personality disorders into types, one of which he refers to as Cluster B disorders: disorders that are conflict-inducing. Many family court professionals observe that in most high-conflict families, one or both parents exhibit either narcissistic, obsessive-compulsive, histrionic, paranoid, or borderline traits or features. Millon stated that personality disorders are caused not only by the internal personality structures but also by the social system in which these people interact. The court system, with its litigation and conflict, is an external system that may cause people who have such personality traits to act as if they have personality disorders. This is consistent with the commonly expressed phrase that “those in criminal court are bad people on their best behavior, but those in family court are good people on their worst behavior.”

Such parents may become rigid in their perception of each other and tend to deal with situations in their extremes. Many parents are polarized, viewing

themselves as all good and the other as all bad, and they externalize those thoughts
and feelings onto their children, such that the children are at risk of becoming
polarized. These parents focus on the traits in the other parent that reinforce this
perception, and they approach each new conflict as verification of just how difficult
the other parent is. These parents experience chronic externalization of blame,
possessing little insight into their own role in the conflicts. They usually have little
empathy for the impact of this conflict on their children. They routinely feel self-
justified, believing their actions are best for their children. No matter how much
helping professionals try to keep the focus on the child, these parents remain
focused on the conflict.

Generally, those with personality disorders or traits that are similar to such disorders
have many of the following characteristics:

- These people have an enduring pattern of thinking and behaviors that may be
  pervasive in many aspects of their life;
- They create problems for others and are generally disruptive, and they do not
  adapt well;
- They externalize issues, blame others, and have poor or limited insight into their
  own contribution to the problems;
- They may also show signs of depression, self-destructive behavior,
  aggressiveness, or brief psychotic episodes (or behaviors that appear psychotic);
- These parents tend to use emotional persuasion when in conflict, escalating their
  emotions, often becoming louder, blaming, and increasing the seriousness of
  their allegations;
• Many confuse emotional facts with actual facts. Such parents generate facts to support how they feel, and their emotions are often triggered by cognitive distortions. They believe “facts” that are not true, even though they feel as if they are true. This often leads to cognitive distortions, exaggerations, and overt fears. They tend toward poorly modulated or over-controlled emotional and behavioral responses;

• Parents with severe narcissistic personality disorders, or who act as if they have such disorders, lack empathy for their children and their ex-partner and have a strong sense of entitlement in court proceedings.

While these parents tend to be motivated by a diverse set of emotions, we believe most of them take such rather rigid positions out of fear, often the overwhelming fear that if they let down their defenses, the other parent will take advantage of them. Many parents say, “If I give in just this one time, she will always take advantage of me” or, “If I give him an inch, he’ll take a mile.” Sometimes this is accurate, and sometimes this is based on fear. Many parents fear losing a relationship with their child or fear being controlled by the other parent. For the more disturbed of these parents, giving in may represent a fear of loss of self. This rigidity ensures conflict. Because these families routinely go back to court, they are also afraid that any relaxing of their position might give the other parent an advantage in court. What is lost in the conflict are the children’s needs.

Another source of the fear is that winning or losing is so integrally tied to self-esteem. Parents with narcissistic traits fear losing custody and control lest they feel abandoned and depressed. Those with borderline traits must win in order to contain
their internal chaos and rage. While losing might mean different things to each parent, e.g., shame, loss, abandonment, rage, etc., the key ingredient is how *unbearable* such a loss will feel to the parent. Just as trauma is a subjective feeling, this feeling of loss is subjective to the parent who feels fearful of that loss. Judges and attorneys express their extreme frustration over these “frequent flyer” families. Many of these parents come back to court several times a year, and for some of these parents, a new issue arises just before a settlement is reached. Lacking a reasonable dispute resolution mechanism, these parents feel justified in taking each other to court and letting “the judge settle it,” despite their frustration and blame when the outcome is not acceptable to them.

Let us also remember that some parents are just deeply hurt or shamed by their family experiences, including the behaviors that have led to the separation and divorce. For example, a parent who discovers years of infidelity is likely to be deeply wounded, and all trust is shattered. On the other hand, some parents are ashamed by their own actions or by the divorce itself, and that shame may lead some parents to externalize blame in order to avoid experiencing these emotions.4

Regardless of the dynamics contributing to the conflict, for many of these parents, each issue is perceived as a new opportunity for victory and feared as a potential loss. These characterological personality dynamics, along with each parent’s righteous self-justification and fear, create this high level of conflict and perpetuation of the court battle. At the same time, away from the conflict, many of these parents appear concerned for their children’s needs and feelings and are capable of good parenting.

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skills. They may be nurturing and set reasonable limits with their children. They are frequently involved in their child’s day-to-day activities, participate in schoolwork, and provide encouragement and support to their children. Even when they are cold, rigid, angry, and fearful toward the other parent, many of these parents can be loving, spontaneous, and supportive to their children. In the abstract, they understand the value of the child’s relationship with the other parent, and they may even recognize that the conflict is problematic for their children. Despite this acknowledgment, it is difficult for them to relax their rigid positions and attitudes toward the other parent and extricate their child (and themselves) from the conflict.

For many high-conflict families, it seems that the parents’ characterological personality dynamics manifest only in a relationship disorder with the other parent. They may be able to manage some of their chronic traits, including their narcissism, overreaction, rigidity, or anger, in their other relationships. They may be pleasant to coworkers, showing few pathological traits in their work environment. With their children, they may not personalize experiences or show signs of narcissistic injury. When seeing such parents, it is important to understand how (and whether) the vulnerabilities that exist in the parent-parent relationship manifest as well in the parent-child relationship.

As a children’s representative, it is important, therefore, to notice how the conflict affects the child as well as how the parent parents the child when not specifically involved in the conflict with the other parent. These can be difficult issues to parse out, but being curious and understanding how they may be different helps you ask the correct questions.

In contrast, the history of the conflict, the emotions of the divorce, and the fear of
letting go bring out the worst in these parents in interactions with each other. It appears the couple’s relationship has been unable to withstand the previous love, the loss of that love, and the rejection and hurt that followed. Most people believe love and hate are opposites, but in reality, love and apathy are opposites. Love and hate contain energy, so when the love is lost in a relationship, it often can turn to a feeling of hate. In the newly formed divorce relationship, dysfunctional personality traits flourish, while in other relationships, including those with the children, healthier personality traits may abound. For those parents who are less disturbed, the pathological personality traits may surface only in the context of the conflicted relationship between the parents. Each parent’s negative individual traits clash, and the conflicts continue. Left unchecked, these families return to court year after year to solve what might appear to the neutral observer to be the most minor issues. These families require strategies and interventions that assist them in taking care of their children and reducing their conflict. This will be discussed later in the chapter.

Contributions from Other Sources

In addition to the personality features of the parents, several other potential sources contribute to the high-conflict nature of some parents. One potential source is the nature of litigation itself. The court system typically focuses on polarization and blame, which reinforces the polarization and blame that many parents feel in these situations. Unless judges are sensitive to these issues, they may reinforce some of the problems by criticizing both parents when only one is exacerbating most of the problems. Within that context, there is often limited encouragement of problem-solving skills, although more recently some jurisdictions are encouraging parents to participate
in specialized high-conflict programs designed to teach problem-solving skills, as well as focusing these parents on the needs of the child.

At other times, some lawyers seem to hate each other as much or more than the parents do. They may personalize their client’s feelings and needs. They ratchet up the conflict, sometimes for a variety of reasons. While we do not want to criticize the work done by good lawyers, even they know when they are faced with a lawyer who instigates and stirs up trouble between parents. We both have known many lawyers who will not take cases that involve a more difficult lawyer from their community. It is almost as if the lawyer has a personality disorder—or acts like he or she has one. As a children’s representative, therefore, it is necessary to recognize when you believe the lawyer is pushing an agenda the client may not have. Both authors have witnessed situations where lawyers argue for something because that is what “the law” allows, but where the parents may want, and the children need, something different from the case.

Although therapists are important for your clients, they may contribute in a way that exacerbates problems because courts and parties often ask them to act in ways that are not within their scope of practice. Sometimes a child’s therapist who has never met one of the parents will send a letter to the judge regarding the alleged abuse that child has suffered and make recommendations for custody, particularly in situations where only one parent takes a child to a therapist. In many jurisdictions, that would be an ethical violation because the therapist is making such a recommendation without

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seeing one of the parents. Of course, this is different from the situation where a dependency court is seeking recommendations from the child’s therapist about reunification, which will be discussed below.

Similarly, adult therapists often provide “supportive” therapy without any knowledge about how the supportive therapy allows their client to avoid taking personal responsibility for the client’s contributions to the problem. In supportive therapy, when the client talks to the therapist, the therapist accepts and agrees with what the client says, without challenging the client about his behaviors and attitudes that may be exacerbating the problems. This problem can be exacerbated in dependency court where parents are ordered to participate in therapy and the therapists are not sufficiently trained to deal with these situations.

Another potential problem with parents involved in therapy is that therapists often do not receive information from the court and other parties, including child protection agencies. Therapists can work only with the information they have, and if the parents are the only ones providing information to the therapist, the therapist may be unable to provide anything other than a form of supportive therapy. Many therapists want nothing to do with the court process, which includes not wanting to receive or provide information. While we do not mean to say therapy should not be supportive,⁷ we have found that supportive therapy alone, without some level of focus on the client’s maladaptive behavior, can be counterproductive. This is especially true when the adult client has significant personality disorder traits.

The final source of conflict comes from friends and extended family who support

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⁷ Supportive therapy can be very beneficial in certain cases, but in cases of high conflict with underlying personality disorder traits, it can be counterproductive.
and encourage the “tribal warfare.”\textsuperscript{8} Again, while it is appropriate to support a loved family member or friend, it is not helpful to do so in a way that exacerbates the family conflict. In some families, the conflict is quite entrenched and extends beyond just the divorcing parents. Like the Shakespearean Montague and Capulet families, these parents get armies of support for their battle against the other parent. In such families, relationships become increasingly fragmented, as children are not able to see some family members because of their role in the conflict. As a children’s representative, it can be helpful to ask about extended family members the child would like to see. Often this can provide information about the tribal warfare between the extended families, especially if your child client wants to see only family members on one side of the family.

Thus, in addition to the way in which personality traits and disorders often contribute to high conflict, the court system, attorneys, therapists, and family members and friends may all contribute to the level of conflict that may occur.

**Impact of This Conflict on Children**

Essentially, the very big risks to children’s well-being when their parents separate lie in three primary areas: (1) poor parenting, (2) abandonment or absence of a parent, and (3) exposure to their parents’ high conflict. The emotional risks to children in a high-conflict family experience are many and include problems such as being confused, having loyalty conflicts, and potentially experiencing boundary problems in their relationships, becoming parentified, adultified, or alienated. All the issues associated with toxic stress and trauma continue to exist here, but we also discuss issues more

\textsuperscript{8} JANET R. JOHNSTON & LINDA E.G. CAMPBELL, IMPASSES OF DIVORCE: THE DYNAMICS AND RESOLUTION OF FAMILY CONFLICT (Free Press 1998).
specific to, although not isolated from, high conflict between parents.

Parentified children take care of their parents and siblings and lose track of their own feelings. In high-conflict families, this happens because parents lose track of the need to care for their children and instead focus on the conflict. The word parentified gets used in more appropriate and less appropriate ways. For example, there is no question that it is inappropriate for a 5-year-old child to be caring for a younger sibling and being constantly worried about how that sibling is doing. It is a different issue, however, when an older adolescent is concerned about an infant sibling. While at no time should a child be the full-time caretaker for another child, it is not necessarily a problem when older teens worry about their younger siblings in high-conflict situations. Often these situations require you, as the children’s representative, to walk a thin line between helping your older clients understand it is not their job to care for their younger siblings while also recognizing it is completely natural and you are honoring their care for their younger siblings. There is a different problem when very young children are parentified, and that must be dealt with in therapy.

Adultified children serve as confidants and “best friends” to the parent with whom they are merging. Adultified children are more common in high-conflict families because the parents want their children to take their side, thereby treating them more as friends than as children. Alienated children take sides and have polarized feelings in their relationships with their parents. Alienated children will be discussed in the next chapter.

None of these reactions are healthy for the child. Children of high-conflict parents often experience strong loyalty conflicts. This can manifest where children sometimes tell each parent what they think the parent wants to hear. This will make it difficult to
know if what your client tells you is objectively truthful or more of a reaction to this conflict. It also means children’s statements can change throughout the case. This can be one of the most difficult aspects of representing children—they can change positions, and sometimes it appears it is not done for a genuine reason, particularly in high-conflict cases. This can be difficult because children always have a reason for telling you what they tell you. Thus, the child’s statements appear truthful even when they tell you information that appears to be opposing. This is why asking “why” is so important. Sometimes you can read between the lines, and sometimes you cannot.

Loyalty conflicts also manifest when children are confused and struggle to differentiate their own feelings and experiences from those of their parents, both of which can lead to increased risks of anxiety and low self-esteem. When children honestly do not understand what they are feeling, it can be beneficial as a children’s representative to ask different questions, exploring various aspects of the child’s life and experiences. While many people think it is appropriate, and even required, that the children’s representative ask the child with whom they want to live, in high-conflict cases especially, this question can be damaging to children. Instead, you can ask questions about each home, about friends at each home, and about which parent supports or lives closer to children’s extracurricular activities, for example. Asking these questions instead of putting the child directly in the middle of the conflict can help ease some, although likely not all, of these loyalty and anxiety issues. Later in the chapter we will address therapeutic interventions designed to help such children deal with their high-conflict parents.

Finally, it is imperative to help the child understand it is the court who makes the
decisions. Neither you, the child, nor the parents, make the final decision in a case unless parents reach a stipulated agreement before the conclusion of a hearing or trial. Only the judge can do that, and the judge has multiple factors she must consider in making her decision. Reminding children of this can help alleviate some of their concern about being stuck in the middle of their parents’ (or caregivers’) conflict, although as noted above, it is unlikely to reduce all the conflict they feel. While many children still will take on that responsibility, your reminder to them of what the judge’s role is and what your role is can help alleviate some of their anxiety.

**Recommended Interventions for High-Conflict Families**

Recognizing that high-conflict families are by themselves a unique category of cases and recognizing that the impact of high conflict can be quite problematic for children, you can make a difference by advocating for interventions that might reduce the impact of this conflict on your client. There are typically four main goals for these families: (1) therapeutic healing and problem solving; (2) structured parenting time arrangements; (3) the use of a neutral decision maker, often referred to as a parenting coordinator; and (4) having the parents engage in parallel parenting rather than attempting to force cooperative co-parenting. This section addresses these issues.

**Therapy**

In those jurisdictions where it is legally authorized, courts commonly make orders for therapy at the conclusion of litigation in family law cases. In dependency cases, of course, therapy is often a requirement of the case plan. With high-conflict families, these orders must relate to the psychological and personality issues identified in the
case. For high-conflict parents, this might include something like the following:⁹

- Providing therapy or counseling that encourages parents to develop empathy and understanding of their children’s feelings and needs;
- Teaching parents to differentiate between their own thoughts, feelings, and needs and those of their children;
- Teaching parents to take personal responsibility;
- Teaching parents to consider alternative solutions and improving problem-solving skills; and
- Teaching parents communication skills.

Although it is always important for a therapist to be supportive with his client, supportive therapy does not work with high-conflict parents. It is critical to confront these parents therapeutically to focus them on the issues that are contributing to the conflicts with their ex-partner and negatively affecting your client.

For your client, therapy or counseling is likely needed to help him learn to cope. Children cope best when they learn active skills for coping, such as understanding their feelings, learning to express their feelings in a healthy way, and learning to separate their feelings from the loyalty conflicts and the conflicts of their parents.¹⁰ To the extent children feel caught in the middle, or are used as spies or messengers of communication, such therapy can help them learn to get out of the middle and cope more successfully with the tension of their parents’ divorce. Note that these goals are

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⁹ Of course, the specifics of the order will vary depending on the nature of each parent’s critical issues and amenability for interventions.

very different from those specific to trauma. These goals are specific to resolving the feeling of being in the middle of a high-conflict situation, particularly when the child recognizes he is a by-product of the two parents. The trauma resulting from exposure to the high conflict must also be considered and addressed, but the issues we address here, different from the issues identified in Chapter 4, are necessary in addition to those related specifically to the trauma of the high conflict.

**Structured Recommendations**

Another important intervention for these families is providing structured recommendations. It is not uncommon for parents to have litigated their residential schedule, often arguing about as little as fifteen minutes between what each parent wants. Many parents cannot agree on what a court order states, and some resort to calling the police regularly to resolving their disputes. Still others can manage the regular routines of caring for the children during the school year but cannot resolve requests for vacations, for example, and cannot manage the start and end times of holidays. Whatever the issues in the high-conflict family with whom you are working, and regardless of how much stress it might be causing you, the parents’ attorneys and the judge note that its toll is highest in the children.

Structured recommendations may help reduce the stress on everyone. The more specific the court order, the more parents know the rules and help the neutral decision maker (next section) enforce the rules. This is just as true in dependency as in family law. If one of the reasons the case is before the dependency judge is because of high conflict between the parents, it is imperative the dependency court provide the same structure for the family as a family court would.
Some families have a rather vague schedule outlined in their parenting plan order stating, for example, “The children are to be with [one parent] every Wednesday overnight and every other weekend. Each parent has the opportunity for a summer vacation in each calendar year.” Some are even vaguer and state that “[one parent] has reasonable rights of access.” Some even say, “Visitation to be agreed upon by the parties.” While such phrases may be acceptable for many low-conflict and medium-conflict families that are flexible and manage their conflicts, they will not work for high-conflict parents. High-conflict parents argue about the start and end times of the overnight, how to define the times of the weekend, the length and times of vacations, and how to resolve the likely occurrence that each parent wants the same vacation dates. Court orders that address these and other issues might look like the following:11

- The children are to be with [one parent] from his pickup of the children at school at the end of their school day each Wednesday until returning them to school the following Thursday morning. [That parent] will have the children every other weekend (with the start date noted so that an observer can easily determine whose weekend is whose) beginning at [that parent’s] pickup at school on Friday afternoon until return of the children to school on Monday morning.
- In the event of a three-day holiday weekend in which the children are off school either Friday or Monday, [that parent’s] time with the children will extend to include that additional day; for example, [that parent] will return the children to school on Tuesday morning following a Monday holiday.

11 Although this schedule provides one parent with parenting time only on Wednesdays and every other weekend, we are not suggesting that is an appropriate parenting plan in any particular case. This is simply a way to outline effective strategies for writing parenting plans, and we chose one that is not overly simple or overly complicated to make a point about the need for specificity, not the appropriateness of this specific parenting arrangement.
• In the event there is no school on an exchange day, [that parent] will pick up the children from [the other parent’s] home at 3:00 p.m., and will drop the children off at [other parent’s] home at 8:30 a.m.

• In addition, it is recommended that each parent have the children for up to fourteen consecutive days for a vacation in each calendar year. Such vacations can occur only during the summer school break, except as outlined in the holiday schedule below.

• Requests for vacation must be made by February 28 of each calendar year for the following summer, and in the event there is a dispute over requested dates, Father has first choice in even-numbered years and Mother has first choice in odd-numbered years.

Another way to maintain a structured schedule is to develop a clear holiday plan. Certainly, it will depend on the age of the children and the family expectations. Schools in different parts of the country are on different schedules as well. An example of a structured holiday and vacation schedule is as follows:

For holidays, birthdays, and school vacations, the following is ordered:

• Thanksgiving break to be with Father in all odd-numbered years and Mother in all even-numbered years.

• An equal split of the Christmas breaks from school, switching at 1:00 p.m. Christmas Day.

• In all odd-numbered years, Mother to have the first half of the Christmas vacation. In all even-numbered years, Mother to have the second half of the Christmas vacation. The intent of this order is that each parent will have one-half
of the break. In the event the vacation does not split evenly, the parenting coordinator will have the authority to make adjustments to the holiday schedule in a given year.

- Spring break to be treated as a whole, including the weekend days, with Father having the children in all odd-numbered years and Mother having the children in all even-numbered years.
- The children to be with Father on his birthday from 4:00 p.m.–8:00 p.m. (unless it naturally falls on his time) and for the entire Father’s Day weekend and Mother on her birthday from 4:00 p.m.–8:00 p.m. (unless it naturally falls on her time) and the entire Mother’s Day weekend. In addition, the children’s birthdays should be alternated in the same fashion.

As shown in this lengthy and detailed order, less room exists for each parent to manipulate or feel manipulated by the other. The rules are clear. If there is no parenting coordinator, as is often the case because of a lack of finances, the parents know exactly what the parenting plan should be, and if either of them tries to go to court or keep the children at a time the children are not supposed to be with that parent, the court will find it easier to resolve the dispute. Thus, it helps keep these families out of court, although it does not preclude them from going to court.

In the event of a dispute when there is a parenting coordinator, it will be relatively easy for the parenting coordinator to resolve. The order should also include a provision that the parenting coordinator can adjust or modify the parenting schedule in the event of certain situations, such as a family emergency, a special longer vacation, the children’s summer schedule, or the needs of one or more family members. Typically,
such adjustments are put in writing so that there is no dispute about how or why the adjustment was made.

Flexibility does not work for these high-conflict families unless a dispute resolution mechanism such as a parenting coordinator is in place because flexibility is a breeding ground for new conflict. If there are insufficient finances for a parenting coordinator, then orders must be even more specific than when a parenting coordinator is involved. Parents can feel more comfortable with a structured order if it can be adjusted in the event a specific need arises. The above is only one example of the areas in which concrete and specific orders can be made, and to the extent you can assist the parents’ attorneys and the court in reaching a structured order, you help reduce conflict and thus assist your client. It is also important to add issues that are important to your child client. If your client plays football, include information about who can attend games and practices. If your client is on a traveling team of some variety, make sure there are provisions for those trips. These parenting plans are designed to help the child have the best possible life, not for the parents to get a certain amount of time with a child.

As noted above, it is just as important to have these specific orders in a dependency case as it is in a family law case. This is often where the chasm between family and dependency law arises; dependency lawyers say specific parenting plans are the purview of the family court, and if the parents have a dispute, they can solve it in family court. Unfortunately, that neither solves the issue for your client nor provides a basis for minimizing the disagreement between the parties. Ultimately, the court will resolve these issues with clear and carefully written orders.
Neutral Decision Making (Parenting Coordinator)\textsuperscript{12}

In many jurisdictions, courts use attorneys or mental health practitioners as neutral decision makers to assist families in such day-to-day disputes. These “frequent flyers” strain the resources of the courts, and the court system is incapable of handling the types or frequency of problems these families bring. In recent years, courts have used the assistance of a decision maker who acts on behalf of the best interests of the children. This person is empowered by the family and the court to act on behalf of the children to resolve conflicts in an expeditious manner. If neither parent has control, both can relax their fear of being taken advantage of by the other. While each parent may become frustrated periodically with the decisions of the neutral decision maker, each parent usually trusts that person more than the other parent.

An example of an order for neutral decision making might be the following:

- The parents have agreed, and this court orders by stipulation of the parties, the appointment of a parenting coordinator to assist the parties in resolving their disputes. This parenting coordinator has decision-making authority in all day-to-day areas except for significant changes in the parenting time.
- The parenting coordinator has the authority to settle disputes in the areas of child care, after-school activities, times and locations of exchanges, disputes about vacations, therapy for the child, and each parent’s participation in the child’s events.
- Both parents are discouraged from engaging in conflict within earshot of their

\textsuperscript{12} Parenting coordinators also may be called parenting plan coordinators and special masters. We use the more general term of \textit{parenting coordinator}. 
their child and are directed to use the parenting coordinator to resolve their disputes. Both parents should refrain from calling the police except in an emergency without first discussing their concern with the parenting coordinator.

- The parenting coordinator has the authority to alter the basic parenting time if he or she deems that one parent is causing significant problems for the child, although the parents have the right to request this court reject the parenting coordinator’s recommendation. Also, at a minimum, the parents should meet with the parenting coordinator once per month to discuss their child and the child’s needs and to work toward preventing future problems from occurring.

There are three primary benefits of this role: (1) helping families more quickly resolve their differences, (2) relieving the courts of some of their most difficult cases, and (3) helping families with very young children manage the nuances of integrating changing developmental needs of the child into their parenting plan. Also, note that the use of a parenting coordinator is often less expensive than the use of two attorneys and the time and costs of going to court.

The major task of the parenting coordinator is to make decisions that help a family stay out of court and keep their children out of the middle of the conflict. Parenting coordinators need to be decisive. Just as young children often have difficulty sharing, divorced parents often have difficulty sharing their children. While the parenting coordinator needs to understand the parents’ position and feelings, it is more important for the parenting coordinator to make decisions that are in the child’s best interests,
without taking a lot of time.\textsuperscript{13} A good resource regarding parenting coordination is \textit{Guidelines for Parenting Coordination}, which is published by the AFCC.\textsuperscript{14}

A parenting coordinator must make major decisions on a regular and consistent basis. For most mental health practitioners, quick decision making is the most difficult task of being a parenting coordinator, which is why it may be helpful to have an attorney serve as a parenting coordinator. Someone who accepts this task must recognize that the child relies on the parenting coordinator to make decisions on the child’s behalf. When the parenting coordinator keeps the focus on meeting the needs of the child, it becomes easier to make quick decisions that support and promote the child’s healthy adjustment.

The role of the parenting coordinator is a multifaceted one\textsuperscript{15} in which he is part detective (as parents describe their different stories, the parenting coordinator tries to understand the “whole truth”), part educator (the parenting coordinator helps parents learn to share their children, understand each child’s developmental needs, resolve problems, and move on with their lives following the divorce), part mental health professional (the parenting coordinator understands the parents’ and child’s feelings and attitudes), part judge (the parenting coordinator makes timely decisions), and part advocate for the children (children’s needs are the parenting coordinator’s first priority). Parenting coordinators may talk with other professionals and may need to meet with the

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\textsuperscript{15} Stahl, \textit{supra} note 206.}

children to carry out their work. The task is complex because of the ongoing conflict between the parents.

The scope of the parenting coordinator must be defined by court order. In most jurisdictions, parenting coordinators cannot be ordered by the court. In most jurisdictions, parenting coordinators cannot be ordered by the court. Instead, this court-appointed role is stipulated by the parents and grants the parenting coordinator very specific and usually limited roles because courts cannot delegate judicial tasks to nonjudicial officers. With that in mind, parenting coordinators generally are granted the authority to make limited decisions about schedules, overnight access, choice of schools, extracurricular activities, troubles at transfers, holiday scheduling, parenting differences, health issues, children's therapy, and problematic behaviors on the part of one or both parents. The parenting coordinator needs to understand the impact on the children before making decisions in any of these areas.

The work of parenting coordinators is very challenging. Parents who require parenting coordinators are engaged in destructive conflict, tend to have limited psychological resources and coping skills, and tend to thrive on chaos in their lives. The parenting coordinator requires time management skills that some mental health professionals may find difficult to do. Phil has heard fewer concerns with time management when an attorney is the parenting coordinator. However, being a parenting coordinator requires training in child development and conflict resolution, and attorneys sometimes have more problems with those aspects of the job.

Because many of these parents are highly litigious and vehemently express their displeasure over decisions, the job requires the mental toughness of a judge and the

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empathy of a psychologist to withstand the pressures that some parents apply. While this might be difficult for some, we know many parenting coordinators who find gratification in being able to support children in these families while helping parents reduce the intensity of their conflict.

It is important to note that you might be asked to serve as a parenting coordinator in some of these cases (not one in which you are the child’s representative, of course) to help parents in their conflict resolution. The issues in this book about representing children are similar to the issues you would have to address as a parenting coordinator.

**Parallel Parenting**

A fourth intervention involves parallel parenting. Psychologists describe young children who play next to each other but interact in limited ways with each other to be in “parallel play.” In the same way, parents who parent their children at different times, but who have little or no direct interaction, are engaged in parallel parenting. Although much of the separated parenting literature focuses on the goal of cooperative co-parenting, in which parents learn to communicate and work with each other to raise their children in a cooperative fashion, high-conflict families usually fail at this task. Each parent usually thinks his or her style is the only way to parent and is often quite critical of the other. Interactions stimulate conflict that harms children.

The goal of parallel parenting is to reduce the level of conflict and ensure the tasks of parenting are accomplished by one or both parents. It is important for parents, in conjunction with a neutral decision maker, to specify which parent is responsible for various parenting tasks. Parents develop a parenting plan that identifies how each parent will participate in the child’s extracurricular activities, help with schoolwork, and
take care of medical needs, for example. Plans are developed to ensure that parents communicate as little as possible with the expectation of less conflict. E-mails and texts may be used when conflict is high and are usually monitored by the parenting coordinator to ensure civility. Each parent is encouraged to develop his or her separate routine and structure. With such a plan, for example, the child will not be exposed to both parents attending the same field trip and making things miserable with their conflict. Although some high-conflict parents cannot share parenting, parallel parenting may facilitate its success.

Parallel parenting allows high-conflict parents the freedom to parent separately. Working with the neutral decision maker allows them to develop the skills to co-parent and use them later in raising their children, after the conflicts have diminished. To help these parents disengage and then learn to work together, it can be helpful for the neutral decision maker to meet with the parents periodically to develop a schedule of the child’s activities and each parent’s participation in those activities. The parenting coordinator can focus on the process of parallel parenting and help parents to disengage from conflict. Together they can develop routines for the child and help coordinate a similar routine in each household, schedule times for phone calls between children and the other parent, and assist each parent in doing those tasks that each parent does best. With this process, neither parent is a winner or loser, and the child benefits from separate and parallel interaction with both parents and the reduced level of conflict to which she is exposed. Once a neutral decision maker is in place and the process of parallel parenting is ensured, parents can detach from each other and

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reduce the intensity of their conflict. Sometimes this task of parallel parenting can be very difficult, and not all families can afford a parenting coordinator. Perhaps the parents can work with a co-parent counselor who in such cases is considered a parallel parent counselor. Others will work periodically with a mediator to keep them focused on parallel parenting. Still others may use you, as the child’s representative, to facilitate the parallel parenting. Phil has known courts to order that parents read his book\textsuperscript{18} so that they have an agreed-upon foundation for how to parallel parent. Of course, like so many issues in high-conflict divorces, parents with better financial resources have the opportunity for assistance compared with those who have fewer financial resources.

For parallel parenting to work, certain skills are required by the parents in families.\textsuperscript{19} The first step of parallel parenting is “disengagement.” These parents need to avoid communication about minor things in the child’s life. They need to avoid telling each other how to parent or criticizing each other. Instead, only limited and basic information is provided, and all of it is done via e-mail, text, or letter. Parents engaged in parallel parenting communicate orally or leave voice messages only in emergencies when no other method of communication is sufficient to deal with the emergency. In their written communication, parents need to be encouraged to be factual and concise and businesslike, avoid sarcasm and impulsive emotions, and not share the communications with the children. Parents who parallel parent must support different styles of parenting and accept more than one “right way” to parent in order to avoid conflict.

When engaged in parallel parenting, each parent needs to be less rigid and more

\textsuperscript{18} \textit{Id.} The appendix from PAD titled Cooperative Co-Parenting vs. Parallel Parenting is on the website.

\textsuperscript{19} \textit{Id.}
accepting of the child’s other parent. It is important to note that many children of separated parents adjust well to two very different homes. Ultimately, parents who parallel parent can learn to parent differently and continue to raise their children in a healthy way.

**The Use of a Parent Communication Notebook**

Parents who are engaged in parallel parenting do not communicate very well with each other, but they still need to communicate about the day-to-day issues with their children, especially when children are under age 5. The parent communication notebook should include highlights of the very young child’s emotions and behaviors during the time the child is with each parent.

The notebook is transitioned between parents during the exchange of the child. When children are under age 2, the notebook should have information about the child’s health, feeding, sleeping patterns, and soothing. It should include information about the child’s emerging language and the child’s mood, including what upsets the child and what helps soothe the child. Ultimately, the notebook should include all relevant information about the child’s day-to-day functioning and needs. In order to ensure that such communication goes well, it may need to be monitored by the parenting coordinator, just like other written communication between high-conflict parents. It can also be electronic and use one of the resources in the online resource guide specifically designed to help parents communicate appropriately.
Appendix A

Cooperative Parenting or Parallel Parenting? ¹

Research on families of divorce suggest that there are primarily three styles of parenting for families after a divorce: cooperative, conflicted, or disengaged. Cooperative parenting is the style used by families in which conflict is low and parents can effectively communicate about their child. If you determine that your level of conflict is low, you and the other parent will probably be able to talk about your child’s needs in a healthy way. You will probably agree on most parenting values, be relatively consistent in your parenting styles, and have few arguments about your child’s life. You will rarely put your child in the middle, and you will solve differences peacefully. Research shows that children of divorce fare best when parents can be cooperative in their parenting. If you fall in this category, you should feel good about yourselves and know that you are helping your child immensely. There are many good books on cooperative parenting designed to help parents do a more effective job.

This book focuses on those parents who are in conflict and argue a lot or need to disengage in their parenting. Even if you can sometimes parent cooperatively, you find it to be difficult and are in conflict too much of the time. Conflicted parenting is the worst for children, who are often in the middle of the conflicts. Your children will adjust to your divorce easier if you can avoid conflicted parenting. Psychological issues that lead to conflicted parenting are many, and may include:

- continuation of hostility that began during the marriage
- differing perceptions of pre-separation child-rearing roles
- differing perceptions of post-separation child-rearing roles
- differing perceptions of how to parent
- concern about the adequacy of the other parent’s parenting ability
- an unwillingness of one or both parents to accept the end of the relationship
- jealousy about a new partner in the other parent’s life
- contested child custody issues
- personality factors in one or both parents that stimulate conflict.

Whatever the specific source, parents’ inability to separate their parental roles from prior conflict in the marriage is often a significant contribution to the conflict after the divorce. This conflict is perhaps the most important variable in determining how your child adjusts to your divorce. Do whatever it takes to change your level of conflict. The first step in this process is to learn to disengage from the other parent. Disengagement is one of the possible styles of parenting after divorce. If you disengage, it’s like you have developed a

“demilitarized zone” around your children and have little or no contact with the other parent. When you disengage, you will avoid contact with the other parent so that conflict cannot develop. You must do this first to reduce the conflict and before you can move on to the next style of parenting.

The second step in this process is what I call parallel parenting. In this style of parenting, both of you will each learn to parent your child effectively, doing the best job each of you can do during the time you are with your child. You will continue to disengage from the other parent so that conflicts are avoided. If you determine that you cannot cooperatively parent because your level of conflict is moderate or high, disengagement and parallel parenting is the necessary style of parenting.

Parallel parenting gets its name from a similar concept in children’s play. Research psychologists have observed that young children who play together, but do not have the skills to interact, engage in a process of parallel play. If they are in a sandbox together or taking turns going down a slide, they play next to one another, not with one another. Each child is doing her own thing with the toys, and generally ignoring the other. When they get older, they will learn to interact cooperatively and play together.

Similarly, parallel parenting is a process of parenting next to one another because you are unable to parent together. Before you can learn to co-parent, you will each learn to parent on your own. The first step of parallel parenting is disengagement. This means that you will not communicate about minor things regarding your child. You will not bicker over things that have always led to conflicts in the past. You will give the other parent important information about your child, but you will not get into debates about the parenting plan or about each other’s parenting style.

“Important information” means the health, welfare, and interests of your child. If your child is sick, you will inform the other parent of this fact, with details on what medication is needed, what has already been administered, and when the next dose is to be given. If your child has a school field trip, you will inform the other parent of the details, and use your parenting plan to decide who might go with the child on the field trip. Each of you should develop independent relationships with your child’s teachers, doctors, coaches, and friends so that you don’t have to rely on the other parent for your information. Each of you should take turns taking your child to the doctor and dentist. If you are the parent who receives your child’s report card, copy it and send it to the other parent. Do this with medical and extra-curricular activity information, such as your child’s little league schedule. Do not complain to the other parent when she is ten minutes late for an exchange of your child, and don’t argue over whose turn it is to get your child’s next haircut. Have parameters in your parenting plan for some of these things and ignore the rest.

When parents are trying to disengage, but communication is necessary, it is often best if non-emergency communication is done by mail, fax or e-mail. Only use faxes if both
of you have sufficient privacy where you will receive the fax. By putting your communication in writing, you will have time to gather your thoughts and make sure that the tone is not argumentative. This also lets the receiving parent take some time and gather his thoughts so that he is not impulsive or angry in his response. Sarcasm is never helpful when trying to disengage from conflicts. Don’t share your e-mails and faxes with your children; they are simply meant to share important information between the parents. Try to limit non-emergency communication to twice a month, except for sharing information that is time-sensitive (like faxing a notice from school to the other parent on the day you receive it). Obviously, emergency information about illnesses and injuries, unforeseen delays in visitation (as a result of traffic conditions, for example), or immediate school concerns should be shared by phone as soon as possible. However, by reducing general communication, and by putting necessary communications in writing, you will go a long way toward disengaging from conflict.

If you have very young children, you know it is important to share all aspects of your child’s functions with the care provider when you drop her off. In the same way, it is critical for parents to share detailed information with each other upon the exchange of the child. A useful tool is a “parent communication notebook.” In this notebook you will write down the highlights of your child’s emotions and behaviors during the time she’s with you. Fill out the notebook in great detail and pass it along to the other parent at the time of transition. Things to include in this notebook are your observations of your child’s health, feeding and sleeping patterns, language issues, your child’s mood, what soothes your child, what upsets your child, your daily routine, and any other detailed information about your child’s functions and needs. This notebook should stay with your child so both parents can use it as a forum for preserving thoughts about your child and her needs.

Another step in parallel parenting is not telling the other parent how to parent, and ignoring (rather than arguing back) when the other parent tries to tell you how to parent. Support different styles of parenting in order to avoid conflict. Obviously, some things are very important, such as consistent discipline philosophies and techniques, adequate supervision, giving your child necessary medication, and ensuring that your child gets to school on time with homework completed. If you have concerns about these very important issues, you will need a forum for working out your differences.

There are many things that parents argue about that aren’t so important. Some of this is related to different parenting philosophies and some of it is related to the difficulty of sharing your child. Accept that there is more than one “right way” to parent. Learn to be less rigid and more accepting of your child’s other parent. Rather than trying to change how the other parent does his job of parenting, do your best job of parenting during the time your child is with you, without criticizing the other parent. Children are capable of being parented in two different styles, and many children of divorce adjust quite well to two very different homes. Remember, just as you will want to avoid criticizing the other parent, you will not want to deal with criticism of your parenting techniques.
PLANNING FOR PARENTING TIME
Arizona’s Guide for Parents Living Apart
IMPORTANT WARNING ON THE LIMITATIONS OF THIS GUIDE

WARNING TO READERS: This guide does not provide legal opinions or legal advice and is not intended to serve as a substitute for the advice of licensed, legal professionals. Neither the Arizona Supreme Court, the Administrative Office of the Courts, nor the authors are engaged in rendering legal, accounting, or other professional services through this guide.

The Arizona Supreme Court, the Administrative Office of the Courts, and the authors do not warrant that the information herein is complete or accurate and do not assume and hereby disclaim any liability to any person for any loss or damage caused by errors, inaccuracies, or omissions that may appear in this guide.

Laws and interpretations of laws change frequently, and the material contained in this guide carries with it important legal consequences. Users of this material are solely responsible for determining the applicability of any information contained in this guide to their situation and are strongly encouraged to seek professional legal and other expert assistance in resolving their parenting issues.
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This guide for parenting time is intended to provide helpful ideas in making decisions about parenting time. A parenting plan is a document that states when the children will be with each parent (parenting time) and how major decisions will be made (legal custody). This guide provides sample plans for parents to use in reaching agreements or presenting proposals to the court. Attorneys, mental health professionals, mediators, and judges may also find the parenting time plans useful in resolving family court disputes.

Parents are encouraged to read this material and seek additional information and advice in order to make the best decisions for their children. This guide will help parents reduce conflict and reach agreements more easily.

Remember -- This Guide:

- IS a tool for parents;
- IS NOT “the law”;
- DOES NOT prohibit or limit parents or judges from creating parenting plans that differ from the sample plans presented here;
- DOES NOT mandate a minimum or maximum amount of parenting time for either parent; and
- MAY NOT be helpful in all circumstances.
Raising children presents challenges. When parents live in separate homes, the challenges are greater because relationships become more complicated. Sometimes parents disagree about how much time children should spend with each parent.

A statewide committee of judicial officers, mental health providers, and attorneys created this planning guide after consulting with well-known experts on child development and after reviewing current research and guidelines from other communities. Decisions about parenting time depend on many things, particularly the age of the child. This guide offers information about what a child learns, feels, and needs at different ages. It also provides suggested plans for each age group.

Unless special circumstances exist, preserving a healthy and ongoing relationship between children and both parents after divorce or separation is of greatest importance. Positive involvement with both parents furthers the child’s emotional and social development, academic achievement, and overall adjustment. Adult children of divorce describe the loss of contact with a parent and conflict between their parents as the most painful part of divorce or parental separation.

Written parenting plans provide children and parents with predictability and consistency and can prevent future conflict. This guide encourages open discussion and cooperation between parents. Courts prefer that parents reach agreements about parenting time. When parents reach agreements, they are more likely to cooperate as their children grow up. Children do best when their parents cooperate with each other. The reverse is also true. Children who experience ongoing conflict between parents are at high risk for suffering serious long-term emotional problems. If parents need help to work out the schedules, court-sponsored and private mediation services are available in most Arizona counties.

The parenting plan will also include a statement about legal custody. In Arizona, parents may have sole or joint legal custody. Parents may agree that one parent will have sole custody or that joint legal
custody is in their children’s best interests. A parent who has sole custody has the right to make major decisions about the children’s health, education, and religious upbringing. Parents who have joint legal custody make such decisions together, unless otherwise specified. Parents with joint legal custody do not necessarily have equal parenting time.

The key to successful co-parenting is a written parenting plan that states the agreements parents reach about legal custody, the sharing of rights and privileges, and the schedule for parenting time. In Arizona, joint legal custody requires a written parenting plan that must be reviewed periodically and provides a way to resolve conflicts about custody and parenting time. The parenting plan also must include a statement that joint custody does not necessarily mean equal parenting time.

HOW TO USE THIS GUIDE

- Read the plans for your child’s age.
- Talk with the other parent about custody and parenting time that meets your family’s needs.
- Use the blank calendar on page 9 of this guide to mark the days and times each parent will have parenting time. This guide includes sample calendars with sample language to include in court orders. *These are examples only.* You can choose any days or times you wish.
- Parenting plan forms are available at self-service centers, in courthouses, and on the Internet. Fill out the form and file it with the court.
- If you need help, contact your local Conciliation Services Department at the superior court or a private mediator. (See page 62 for more information.)
WHICH PLAN SHOULD WE CHOOSE?

The following parenting time options are designed to allow parents or the judge, if necessary, to choose the proper plan after considering the family’s unique circumstances. Children differ in how long they are comfortable being away from each parent. Some children like spending more time at one home, while others move between homes easily. Parents may need to accept disruption of their own schedule and spend more or less time with their children than they prefer so they can give the children a sense of security and well-being.

When choosing a plan, parents should think about the child’s relationship with each parent. It may benefit the child to change from one plan to another as the child gets older. If a parent has never been a part of a child’s life or hasn’t had contact with the child for an extended period, parenting time should start slowly and gradually increase as the child adjusts and feels comfortable.

If parents don’t agree on custody and parenting time, the judge will evaluate the case, decide custody, and order a plan the judge finds is in the children’s best interests.

IMPORTANT QUESTIONS TO CONSIDER WHEN CHOOSING A PLAN

- How old is the child?
- How mature is the child?
- What is the child’s personality?
- How strong is the child’s attachment to each parent?
- Does the child or do the parents have any special needs?
- What are the child’s relationships with siblings and friends?
- Are the parents’ homes too far apart to maintain regular and frequent contact? (See page 49 on "Long-Distance Parenting and Relocation.")
- How flexible are the parents’ and child’s schedules?
- What childcare arrangements are needed?
- How and where will exchanges take place?
- How will transportation be provided?
- How well can the parents communicate and cooperate?
- What are the child’s and the parents’ cultural and religious practices?
Which Plan Should We Choose?

- Are there any parental fitness concerns, such as domestic violence, substance abuse, or mental health problems?
- What is each parent’s ability and availability to care for the child’s needs?
- Will the parent be able to exercise the parenting time consistently?

**CHILDREN BENEFIT WHEN PARENTS:**

- Help the child have regular contact with the other parent by phone, letter, audio and videotapes, e-mail, and other forms of communication
- Keep predictable schedules
- Are on time and have the child ready when it’s time for the child to go with the other parent
- Exchange the child without arguing
- Support the child’s relationship with the other parent
- Let the child carry "important" items such as favorite clothes, toys, and security blankets with them between the parents’ homes
- Follow similar routines for mealtime, bedtime, and homework time
- Handle rules and discipline in similar ways
- Support contact with grandparents, step-parents, and other extended family so the child doesn’t lose these relationships
- Are flexible so the child can take part in special family celebrations and events
- Give as much advance notice as possible to the other parent about special occasions or necessary changes to the schedule
- Provide the other parent with travel dates, destinations, and places where the child and the parent can be reached when on vacation
- Establish workable and respectful communication with the other parent
- Plan their vacations around the child’s regularly scheduled activities.

**CHILDREN ARE HARMED WHEN PARENTS:**

- Make their child choose between them
- Question their child about the other parent's activities or relationships
- Make promises they don't keep
- Drop in and out of the child’s life
- Are inconsistent in using their parenting time
- Argue with or put down the other parent in front of the child or where the child can overhear
- Discuss their personal problems with the child or where the child can overhear
- Use the child as a messenger, spy, or mediator
- Stop or interfere with parenting time because child support hasn’t been paid
- Don’t show respect for each other
- Undermine the child’s relationship with the other parent.
The following plans are just ideas that may or may not work for your children. Feel free to use one of the numbered plans or design a plan that works best for your children, based on work, school, activities, and other considerations.

Use this blank calendar to design the schedule that best meets your needs.

It’s recommended that you read the Child Development section that applies to your child before deciding on a parenting time schedule.

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## SUMMARY OF PARENTING TIME SCHEDULES

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<tr>
<th>Plan No.</th>
<th>Description</th>
<th>PAGE</th>
<th>BIRTH‐24 MOS.</th>
<th>24 – 36 MOS.</th>
<th>3 – 5 YEARS</th>
<th>6 – 9 YEARS</th>
<th>10 – 12 YEARS</th>
<th>TEENAGERS</th>
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<tbody>
<tr>
<td>1</td>
<td>Three periods of 3-5 hours spaced throughout each week</td>
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<td>Two periods of 4-6 hours spaced throughout each week</td>
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<td>Two 3-5 hour periods and one 8-hour period spaced throughout each week</td>
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<td>Two periods of 3-6 hours and 1 overnight each week</td>
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<td>5</td>
<td>One period of three to six hours and two non-consecutive overnights each week</td>
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<td>6</td>
<td>An equal parenting time schedule where the child isn’t away from the other parent for more than two consecutive days *Caution – This plan is designed only for those parents who can agree on this plan.</td>
<td>14</td>
<td>✓* ✓* ✓*</td>
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<td>7</td>
<td>One period of 3-6 hours and two consecutive overnights each week</td>
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<tr>
<td>Plan No.</td>
<td>Description</td>
<td>PAGE</td>
<td>BIRTH-2 YEARS</td>
<td>2 TO 3 YEARS</td>
<td>3 - 5 YEARS</td>
<td>6 - 9 YEARS</td>
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<td>8</td>
<td>Two days with one parent (including overnights) followed by 3 days with the other parent (including overnights) with this schedule continuing over time</td>
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<td>9</td>
<td>Two consecutive overnights every other week. An additional three- to six-hour period or overnight may be added each week.</td>
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<td>10</td>
<td>Three consecutive overnights every other week and an additional 4-6-hour period each week</td>
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<td>11</td>
<td>Four consecutive overnights during Week 1 and one overnight during Week 2</td>
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<td>12</td>
<td>Split each week and weekend</td>
<td>18</td>
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<td>13</td>
<td>Each parent has the same 2 consecutive weekday overnights each week and alternates the weekends</td>
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<td>14</td>
<td>The parents share time with the child during alternating 7-day periods. A midweek overnight period is optional with the parent who doesn't have parenting time that week.</td>
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PARENTING TIME SCHEDULE: PLANS 1, 2 AND 3

**Parenting Time: Plan 1**

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Advantages of Plans 1, 2, and 3:
- The child has frequent but short visits with the non-custodial parent.
- Offers consistency and predictability
- The custodial parent gets a few “breaks” throughout the week.

Disadvantages of Plans 1, 2, and 3:
- There are 6 exchanges each week, which might be difficult if the parents don’t get along.
- The week may seem a bit “choppy” or broken up.

**Parenting Time: Plan 2**

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**Parenting Time: Plan 3**

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Advantages of Plans 1, 2, and 3:
- The child has frequent but short visits with the non-custodial parent.
- Offers consistency and predictability
- The custodial parent gets a few “breaks” throughout the week.

Disadvantages of Plans 1, 2, and 3:
- There are 6 exchanges each week, which might be difficult if the parents don’t get along.
- The week may seem a bit “choppy” or broken up.
PARENTING TIME SCHEDULE: PLANS 4 AND 5

**Parenting Time:** Plan 4

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**Advantages of Plan 4:**
- The child has frequent but short visits with the non-custodial parent.
- The custodial parent has a few “breaks” throughout the week.
- There is consistency and predictability.

**Disadvantages of Plan 4:**
- There are 5-6 exchanges each week, which might be difficult if the parents don’t get along.
- The week may seem a bit “choppy” or broken up.

**Advantages of Plan 5:**
- The child has frequent but short visits with the non-custodial parent.
- The custodial parent has almost daily “breaks.”

**Disadvantages of Plan 5:**
- There are many (almost daily) exchanges, which might be difficult if the parents don’t get along.
- The week may seem a bit “choppy” or broken up.
Parenting Time Schedules

PARENTING TIME SCHEDULE:  PLAN 6

Advantages of Plan 6
- The child never goes more than two days without seeing a parent.
- Many parents like the longer blocks of time to better bond with the child.

Disadvantages of Plan 6
- There is no consistency (what happens in one week does not happen again for four weeks), which may make it hard to make plans.
- Some young children may dislike not seeing a parent for two full days.
- The week may seem a bit “choppy” or broken up.
- Neither parent has a full weekend with or without the child.

Comment: The use of Plan 6 requires a high degree of communication between the parents, a low level of conflict about how to parent, and work schedules and living arrangements that limit the stress on the child. Plan 6 is designed only for those parents who can agree on this plan.

Research clearly shows that children are at risk of being harmed if parents argue, act disrespectfully toward each other, and can’t talk to each other about their child.
## Parenting Time Schedules

### Parenting Time Schedule: Plans 7 and 8

#### Parenting Time: Plan 7

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**Advantages of Plan 7:**
- The child sees the non-custodial parent 3-5 days per week and the custodial parent almost daily.

**Disadvantages of Plan 7:**
- Only Mondays are consistent every week.
- May seem “choppy” or fragmented
- There are 3-5 exchanges each week, which might be difficult if the parents don’t get along.

#### Parenting Time: Plan 8

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**Advantages of Plan 8:**
- Each parent has solid blocks of time (2-3 days) with the child.

**Disadvantages of Plan 8:**
- Inconsistent from week to week (what happens on Monday in Week 1 doesn’t occur in Week 2)
- It may be confusing for the parents to follow and remember which days they are to care for the child.
- Only rarely would a parent have a full weekend.
- It might be hard to arrange the child’s extracurricular activities unless both parents agree. For example, if one parent wants to enroll the child in karate on Mondays and the other parent doesn’t agree, the child may miss several lessons.
# Parenting Time Schedules

## PARENTING TIME SCHEDULE: PLANS 9 AND 10

### Parenting Time: Plan 9

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**Optional Plan 10 modification:**

Alternate Sundays can be overnights.  Alternate Wednesdays (before other parent’s weekend) can be overnight.

- Every Wednesday can be overnight  OR
- Both alternate Wednesdays and alternate Sundays are overnight.

### Advantages of Plans 9 and 10:
- Consistency/predictability throughout the school week

### Disadvantages of Plans 9 and 10:
- Limited time for one parent
- The child does not see one parent for six days in alternate weeks.
Parenting Time Schedules

**PARENTING TIME SCHEDULE: PLAN 11 (ALTERNATING WEEKENDS)**

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**Advantages of Plan 11:**
- Minimal parental face-to-face contact (none if exchange is Monday morning at school and pick-up is every Thursday at school)
- Consistency and predictability most weekdays (school days)
- Alternate prolonged weekends (Thursday-Sunday) often appealing in the summer for short trips

**Disadvantages of Plan 11:**
- Six-day block every other week when the child does not see the non-residential parent
- Some children may have difficulty on Monday at school after being away from the primary parent for four days.

**Optional Plan 11 modifications:**

- **End weekend on Sunday evening**
- **Add Wednesday in alternate weeks**
PARENTING TIME SCHEDULE: PLAN 12 (SPLIT WEEK)

Parenting Time: Plan 12

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Optional Plan 12 modifications:

Advantages of Plan 12:
- The child never goes more than three days without seeing a parent.
- Consistency and predictability each week
- The child can “settle in” at each household for a few days.
- Most children enjoy having a “stay home” (weekend) day with each parent every week.

Disadvantages of Plan 12:
- Neither parent has a full weekend (although this can be accommodated with flexibility and/or with the holiday and vacation plans).

The exchange can occur on Saturday evening.

The exchange can alternate between Saturday evening one week and Sunday morning the next week.
**Parenting Time Schedules**

**PARENTING TIME SCHEDULE: PLAN 13**

**Optional Plan 13 modification:**
The Wednesday/Thursday parent’s time can end on Sunday evening.

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**Parenting Time: Plan 13**

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Advantages of Plan 13:
- All exchanges can occur at school or daycare, which is easier for most children to handle.
- No parental face-to-face contact, which makes this an ideal plan for high-conflict parents
- Consistency and predictability on weekdays
- Full weekends for each parent
- Five-day blocks may be appealing to many parents (especially in the summer for “mini” vacations”).

Disadvantages of Plan 13:
- Five days may be too long to be away from one or both parents.
- Transitioning every 2-5 days may seem hard for some children (especially ensuring that their clothes, books, toys, etc., accompany them).
# Parenting Time Schedules

## PARENTING TIME SCHEDULE: PLAN 14

(ALTERNATING WEEKS)

### Parenting Time: Plan 14

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**Optional Plan 14 modification:**

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**Advantages of Plan 14:**

- Limited transitions (actually none if transitions occur at school)
- The child is able to “settle in” at each parent’s home.
- By starting the alternate week on Friday, the child has the weekend to adjust to the upcoming family environment.

**Disadvantages of Plan 14:**

- Requires effective parental communication and cooperation to arrange weekly activities (for example, soccer on Tuesdays would have to be agreed upon, flute lessons on Thursday, etc.)
- Seven days away from each parent may be unsettling for some children (particularly younger ones).
- Transitioning to the other parent’s household after being gone a week may be difficult.

*Add a mid-week visit (limited hours or overnight).*
Child Development and Suggested Parenting Plans

CHILD DEVELOPMENT AND SUGGESTED PARENTING PLANS

These plans take into consideration different kinds of situations between parents and children. The bond between a parent and child will continue to grow as long as the parent remains actively involved with the child. However, some parents may not have had the opportunity to begin forming that bond. For example, when a plan includes overnights, it’s presumed that the parent with parenting time not only has care-giving experience but that the child is sufficiently bonded to and used to being in the care of that parent.

BIRTH TO 2 YEARS

Babies learn quickly. They are learning to love and trust familiar caregivers. Babies become attached to parents and others through consistent, loving responses such as holding, playing, feeding, soothing, talking gently and lovingly, stimulating, creating bedtime and bath time routines, and prompt attention to their needs. Babies begin to respond to a range of different (but equally valuable) types of parenting styles that each parent provides.

Most parents have different ways of parenting. It’s helpful if parents share information about how they’re parenting the child while the child is in their care. In addition, parents need to be sensitive to their baby’s emotional reactions, ability to adjust to changes when going from one parent to the other, and mood. It helps when parents talk about these things when making or changing schedules.

Babies can’t remember things they experienced over time – in other words, “out of sight, out of mind.” Therefore, it’s important that they have frequent contact with each of their parents and have a stable schedule and routine. On the other hand, babies do have “emotional memories” of conflict that can have long-term negative effects, so parents shouldn’t argue when children, even babies, can hear the arguing. Many babies are sensitive to the tension between the parents at exchange, time, so if you can’t be pleasant to each other, you may need someone else to help with the exchange times.

At around six months, babies can recognize their parents and other caregivers and may become uneasy around strangers. Regular
caregivers understand how the child signals the need for food, comfort, and sleep. When away from parents or significant caregivers, babies may become anxious and have eating and sleeping problems. However, being away from one parent or caregiver and in the care of the other parent to whom the child is bonded shouldn’t be a problem for most babies.

Babies have basic sleep, feeding, and waking schedules. It’s important to keep the baby on these schedules. Parents should work out their own plans so they don’t interfere with the baby’s normal routine. Also, in creating parenting plans for this age group, parents ought to think about the special needs of breast-feeding babies. Nursing mothers may want to express milk and send bottles with the baby so the father can feed the baby during his parenting time. 

(For more information, see Breast-Feeding on page 57.)

Make exchanges easier for your child by following predictable schedules, avoiding conflict with the other parent in front of your child, and supporting your child’s relationship with the other parent.

One- to two-year-olds are becoming more aware of the world around them and the people who have a lot of contact with them. A baby at this age can be attached to many caregivers, including grandparents, extended family members, and daycare providers. Babies are also becoming independent and developing the ability to comfort themselves by thumb sucking or holding onto favorite blankets or toys. Their sleeping and eating schedules are becoming regular. They continue to respond to the different types of nurturing provided by their parents.

Two-year-olds commonly test parental limits (“terrible twos”), and consistent and loving parental responses can build the child’s self-esteem for years to come.

Moving between the parents’ homes may be difficult for some youngsters, and they may become upset at these times. For some children, resistance to exchange time is normal. This behavior doesn’t necessarily mean that the other parent isn’t a good parent or that the child doesn’t want to be with the other parent. While parents need to be sensitive to whatever the child is experiencing, most children calm down shortly after the exchange. You can make exchanges easier for your child by following predictable schedules, avoiding conflict with the other parent in front of your child, and supporting your child’s relationship with the other parent.
**Plans 1 and 2 are for when:**
- The child will spend less time with one parent because of work schedules, living arrangements, or great distance between homes, or
- The child has not yet developed a bond with a parent, or
- A parent has limited parenting skills, or
- The child has previously spent most of the time with one parent.

**Plan 1** -- Three periods of three to five hours spaced throughout each week (See a sample schedule on page 12.)
**Comment:** Frequent contact helps the child bond with each parent, something that is important for the child’s healthy development.

**Plan 2** -- Two periods of four to six hours spaced throughout each week (See a sample schedule on page 12.)
**Comment:** This plan is more helpful than Plan 1 when the parents’ work schedules, living situations, or levels of conflict with each other make more frequent exchanges difficult. Because this plan has only two visits each week, bonding between the parent and child may take a little more time, and the child may have difficulty going from one parent to the other.

**Vacation:** Vacations that are much different from the regular parenting time schedule aren’t recommended unless the parents agree.

**Holidays:** Parents should consider dividing holidays or special occasions in time blocks similar to their regular parenting time.

✓ Create your own schedule using the sample form on page 9.

**Plan 3** is meant for situations where:
- Parents have been using Plans 1 or 2 for some time, or
- Parents may start with Plan 3 when both

**Plan 3** – Two periods of three to five hours and one period of eight hours spaced throughout each week (See a sample schedule on page 12.)

**Vacation:** Vacations that are much different from the regular parenting time schedule aren’t recommended unless the parents agree.
parents have a bond with the child, or

- When parenting skills of each parent are adequate, but where one of the parents has less available time than the other to devote to the child.

**Holidays**: Parents should consider dividing holidays or special occasions in time blocks similar to their regular parenting time.

✓ Create your own schedule using the sample form on page 9.

**Plans 4, 5, and 6 include overnights. These plans are for parents who:**

- Have cared for the child about equally, or
- Both know how to care for the child overnight, or
- Live close enough to each other that the child won’t have long car trips between the homes, or
- Can communicate and cooperate with each other about the child’s care and well-being, or
- Parents have been successfully following Plan 3 for a while.

**Plan 4** -- Two periods of three to six hours and one overnight each week (See a sample schedule on page 13.)

**Plan 5** -- One period of three to six hours and two non-consecutive overnights each week. (See a sample schedule on page 13.)

**Plan 6** -- An equal parenting time schedule where the child isn’t away from the other parent for more than two consecutive days (See a sample schedule on page 14.)

**Comment**: The use of Plan 6 requires a high degree of communication between the parents, a low level of conflict about how to parent, and work schedules and living arrangements that limit the difficulties on the child. Plan 6 is designed only for those parents who can agree on this plan.

**Caution**: Research clearly shows that children are at risk of being harmed if parents argue, act disrespectfully toward each other, and can’t talk to each other about their child.

**Vacation**: Vacations that are much different from the regular parenting time schedule aren’t recommended unless the parents agree.
Holidays: Parents should consider dividing holidays or special occasions in time blocks similar to their regular parenting time.

Create your own schedule using the sample form on page 9.

2 TO 3 YEARS

Ages two to three are an important time for children to develop independent skills. Although children this age are learning to be independent, they may still cling to their caregiver and resist separation, even from one parent to the other. They may say "NO!" to parents' requests and demands just to express their independence. They may also be fearful about unfamiliar activities and objects.

Predictable, regularly scheduled routines help children manage their fears and help them learn that the world is a safe place. Moving between parents' homes may become difficult for some children at this age, and they may become upset. This behavior doesn't necessarily mean that the other parent isn't a good parent or that the child doesn't want to be with the other parent. Parents must continue to ensure that the transitions between the two parents' homes are free of parental arguing and tension.

DESIGNING A PLAN FOR 2 TO 3 YEARS

**Plans 3 and 4 are for when:**
- *The child will spend less time with one parent because of work schedules, living arrangements, or great distance between homes, or*
- *The child has not yet*

**Plan 3:** Two periods of three to five hours and one period of eight hours spaced throughout each week (See a sample schedule on page 12.)

**Plan 3 Vacation:** Vacations that are much different from the regular parenting time schedule aren't recommended unless the parents agree.

**Plan 4:** Two periods of three to six hours and one overnight each week (See a sample schedule on page 13.)
developed a bond with a parent, or
• A parent has limited parenting skills, or
• The child has previously spent most of the time with one parent.

**Plan 4 Vacation**: Parents may have two one-week periods separated by at least four weeks. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays**: Parents should consider dividing holidays or special occasions in time blocks similar to their regular parenting time.

✓Create your own schedule using the sample form on page 9.

---

**Parents may start with Plan 5 when:**

• Both parents have a bond with the child, or
• Parenting skills of each parent are adequate, but where one parent has less available time than the other to devote to the child, or
• Parents have been using Plans 3 and 4 for some time.

**Plan 5**: One period of three to six hours and two non-consecutive overnights each week. (See a sample schedule on page 13.)

**Comment**: Ideally, a child this age shouldn’t be separated on a regular schedule from either parent for longer than three days. For legitimate reasons, however, such as vacation and other such reasons, children can be separated from either parent for somewhat longer periods of time, up to a week if need be.

**Vacation**: Parents may have two one-week periods separated by at least four weeks. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays**: Parents should consider dividing holidays or special occasions in time blocks similar to their regular parenting time.
Child Development and Suggested Parenting Plans

Create your own schedule using the sample form on page 9.

**Plans 7 and 8 include overnights. Plans 7 and 8 are for parents who:**

- Have cared for the child about equally, or
- Both know how to care for the child overnight, or
- Live close enough to each other that the child won’t have long car trips between the homes, or
- Can communicate and cooperate with each other about the child’s care and well-being, or

Parents can also change to Plan 7 after successfully following Plan 5 for a while.

**Plan 7:** One period of three to six hours and two consecutive overnights each week. (See a sample schedule on page 15.)

**Plan 8:** Two days with one parent (including overnights) followed by three days with the other parent (including overnights) with this schedule continuing over time. This plan requires both parents to live near enough to one another, manage conflicts away from their child, and communicate well about their child. This plan may also be appropriate when there is an older child who spends considerable time with both parents. (See a sample schedule on page 15.)

**Vacation:** Parents may have two one-week periods separated by at least four weeks. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays:** Parents should consider dividing holidays or special occasions in time blocks similar to their regular parenting time.

Create your own schedule using the sample form on page 9.
Three- to five-year-olds are attached to their regular caregivers, and separation may make them uncomfortable and anxious. They may also be fearful about unfamiliar activities and objects and may experience night fears like "monsters" under the bed.

Three- to five-year-olds may show increased emotional discomfort when moving between parents’ homes. Some of these children may become very upset at these times. This behavior doesn't necessarily mean that the other parent isn't a good parent or that the child doesn't want to be with the other parent. Parents can make exchanges easier for children by following predictable schedules and making sure the child isn’t exposed to conflict between the parents.

Children are more likely to resist going to the other parent if the parents are tense or hostile or argue with each other at the exchange. If tension is present, the child might become difficult to manage or might act out negative feelings. If parents can't be nice to each other, or at least civil, they should avoid talking to each other at these exchanges. Parents must not use the child as a messenger to communicate with the other parent. Children may also feel more secure if they can take favorite stuffed toys, family photos, or other objects that will remind them of the other parent.

After age three, children become more aware of holiday celebrations. Parents should schedule holidays, which may be religious, cultural, or national, that are meaningful to the child and the family. Parents should also include birthdays, Mother's Day, and Father's Day in the parenting plan.

Three- to five-year-olds may benefit from structured time with children their own age, away from parents. This time helps them develop social skills and learn that they can be safe and happy away from both parents.

**DESIGNING A PLAN FOR 3 TO 5 YEARS**

The plans suggested for the 2- to 3-year age group are also appropriate for this age child.
**Plans 9 and 10 are for when:**
- The child will spend less time with one parent because of work schedules, living arrangements, or great distance between homes, or
- The child has not yet developed a bond with a parent, or
- A parent has limited parenting skills, or
- The child has previously spent most of the time with one parent.

**Plan 9:** Two consecutive overnights every other week. An additional three- to six-hour period or overnight may be added each week. (See a sample schedule on page 16.)

**Plan 10:** Three consecutive overnights every other week and an additional four- to six-hour period each week. (See a sample schedule on page 16.)

**Vacation:** Each parent may have up to 10 days in town or out of town each year or two one-week periods taken separated by at least three weeks. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays:** See the “Holidays, Vacations, and School Breaks” section on page 45.

✔️ **Create your own schedule using the sample form on page 9.**

**Parents may start with Plan 11 when:**
- Both parents have a bond with the child, or
- Parenting skills of each parent are adequate, but where one parent has less available time than the other to devote to the child, or
- Parents have been successfully using

**Plan 11:** Four consecutive overnights during Week 1 and one overnight during Week 2 (See a sample schedule on page 17.)

**Vacation:** Each parent may have up to 10 days in town or out of town each year or two one-week periods taken separated by at least three weeks. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.
Holidays: Parents may alternate, share, or split the holidays for children of this age. The "Holidays, Vacations, and School Breaks" section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

✓ Create your own schedule using the sample form on page 9.

Plans 9 and 10 for some time.

Plans 12 and 13 include overnights. Plans 12 and 13 are for parents who:

- Have cared for the child about equally, or
- Both know how to care for the child overnight, or
- Live close enough to each other that the child won’t have long car trips between the homes, or
- Can communicate and cooperate with each other about the child’s care and well-being, or
- Parents have been successfully following Plan 1 for a while.

Plan 12: Split each week and weekend. (See a sample schedule on page 18.)
Comment: This plan provides a consistent routine and accommodates a young child’s ability to be apart from either parent for three to four days. It also allows the child to have a "stay home" day (Saturday or Sunday) with each parent each week, which is helpful to many young children. If parents dislike not having full weekend parenting time, the schedule may be modified to allow full weekends during the summer or on holidays. If desired, parents may alternate exchanges so one week one parent has three overnights and the other has four overnights and the next week the number of overnights is reversed.

Plan 13: Each parent has the same two consecutive weekday overnights each week and alternates the weekends. (See a sample schedule on page 19.)
Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children this age. This is commonly referred to as a 5-2-2-5 schedule. This plan is ideal when older siblings would benefit from this schedule. This plan is helpful when the parents’ level of conflict makes exchanges difficult, because all exchanges can take place at day care.
Six- to nine-year-old children may worry that one parent doesn’t love them or that they will lose one parent. They may miss the absent parent and feel sad, confused, and angry about their parents’ divorce. They also may try to get their parents to back together.

Some six- to nine-year-old children benefit from spending more time at one home, while others move back and forth on a regular basis with ease. Children differ in how long they are comfortable being away from each parent. Some may be comfortable being away from their custodial or primary residential parent on a regular basis for two or more days. If the child has spent considerable quality time with the parent who has parenting time, the child may cope better with a long separation from the other parent. As a child matures, longer periods of parenting time with fewer exchanges between parents may be preferred.

In making a parenting time schedule, parents should keep their work schedules in mind and try to use their time off from work to spend as
much time as possible with the child. If a parent’s work schedule changes from week to week, the parenting plan may let that parent spend time with the child on the parent’s days off from work after giving plenty of advance notice to the other parent.

**DESIGNING A PLAN FOR 6 TO 9 YEARS**

**Plans 9 and 10 are for when:**

- The child will spend less time with one parent because of work schedules, living arrangements, or great distance between homes, or
- The child has not yet developed a bond with a parent, or
- A parent has limited parenting skills, or
- The child has previously spent most of the time with one parent.

**Plan 9:** Two consecutive overnights every other week. An additional three- to six-hour period or overnight may be added each week. (See a sample schedule on page 16.)

**Plan 10:** Three consecutive overnights every other week and an additional four- to six-hour period each week. (See a sample schedule on page 16.)

**Vacation:** Each year, each parent can take from to two to four weeks of vacation with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays:** Parents may alternate, share, or split the holidays for children of this age. The “Holidays, Vacations, and School Breaks” section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

✓Create your own schedule using the sample form on page 9.
Parents may start with Plan 11 when:

- Both parents have a bond with the child, or
- Parenting skills of each parent are adequate, but where one parent has less available time than the other to devote to the child, or
- Parents have been using Plans 9 and 10 for some time.

Plan 11: Four consecutive overnights during Week 1 and one overnight during Week 2. (See a sample schedule on page 17.)

Vacation: Each year, each parent can take from two to four weeks of vacation time with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

Holidays: Parents may alternate, share, or split the holidays for children of this age. The "Holidays, Vacations, and School Breaks" section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

Plan 12: Split each week and weekend. (See a sample schedule on page 18.)

Comment: This plan lets the parents take part about equally in the child's school life. It provides a consistent routine, accommodates a child's ability to be apart from either parent for three or four days, and allows the child to have a "stay home" day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents who want full weekends with or without the child may not like this schedule, but it can be written to allow full weekends during the summer or on holidays. Also, the schedule can be written so that

Plans 12, 13, and 14 include overnights. These plans are for parents who:

- Have cared for the child about equally, or
- Both know how to care for the child overnight, or
- Live close enough to each other that the child won’t have long
car trips between the homes, or
• Can communicate and cooperate with each other about the child’s care and well-being, or
• Parents have been successfully following Plan 11 for a while.

in Week 1, Parent A has three overnights and Parent B has four, and in Week 2, Parent B has three overnights and Parent A has four.

**Plan 13:** Each parent has the same two consecutive midweek overnights each week and alternates the weekends. This is commonly referred to as the 5-2-2-5 plan. Each week, the child spends Monday and Tuesday night with Parent A and Wednesday and Thursday night with Parent B. In Week 1, the child spends the weekend with Parent A. In Week 2, the child spends the weekend with Parent B. (See the sample schedule on page 19.)

**Comment:** This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children. This plan is helpful when the parents’ level of conflict makes exchanges difficult, because all exchanges can take place at school or day care.

**Plan 14:** The parents share time with the child during alternating seven-day periods. A midweek overnight period is optional with the parent who doesn’t have parenting time that week. The best exchange time in most cases is Friday after school or work. (See a sample schedule on page 20.)

**Comment:** The more consistent the child’s life is from week to week, the easier it is for the child. Parents who can’t communicate and work well with each other will find it hard to make this plan succeed for the child. For example, if one parent wants to enroll the child in karate lessons on Tuesday evenings, the other parent should take the child to karate when the child is with that parent. As another example, the child may have a hard time in school if Parent A handles homework differently than Parent B. All exchanges for this plan can take place at school or daycare if desired.
Vacation: Each year, each parent can take from two to four weeks of vacation time with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they'll be going and how to reach the child or the parent during the vacation.

Holidays: Parents may alternate, share, or split the holidays for children of this age. The "Holidays, Vacations, and School Breaks" section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

Create your own schedule using the sample form on page 9.

10 TO 12 YEARS

Ten- to 12-year-old children often want to be independent from their parents and are becoming more attached to their friends. They may blame one parent for the divorce, may be angry and embarrassed by the breakup of the family, and may side with one parent.

Children of this age often want to have a say in where they live. Parents should let them express their views, while making it clear it is up to the parents to make the final decisions. As children begin junior high school, parents should make sure the parenting plan considers the child's school and extracurricular activities. The parents also should consider the child's desire for an occasional overnight with friends away from both homes. Parents should be
DESIGNING A PLAN FOR 10 TO 12 YEARS

**Plans 9 and 10 are for when:**
- The child will spend less time with one parent because of work schedules, living arrangements, or great distance between homes, or
- The child has not yet developed a bond with a parent, or
- A parent has limited parenting skills, or
- The child has previously spent most of the time with one parent.

**Plan 9:** Two consecutive overnights every other week. An additional three- to six-hour period or overnight may be added each week. (See a sample schedule on page 16.)

**Plan 10:** Three consecutive overnights every other week and an additional four- to six-hour period each week. (See a sample schedule on page 16.)

**Vacation:** Each year, each parent can take from two to four weeks of vacation time with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays:** Parents may alternate, share, or split the holidays for children of this age. The "Holidays, Vacations, and School Breaks" section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

✔Create your own schedule using the sample form on page 9.
Parents may start with **Plan 11** when:
- Both parents have a bond with the child, or
- Parenting skills of each parent are adequate, but where one parent has less available time than the other to devote to the child, or
- Parents have been using Plans 9 and 10 for some time.

**Plan 11:** Four consecutive overnights during Week 1 and one overnight during Week 2. (See a sample schedule on page 17.)

**Vacation:** Each year, each parent can take from two to four weeks of vacation time with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

**Holidays:** Parents may alternate, share, or split the holidays for children of this age. The "Holidays, Vacations, and School Breaks" section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

✓ **Create your own schedule using the sample form on page 9.**

**Plans 12, 13, and 14** include overnights. These plans are for parents who:
- Have cared for the child about equally, or
- Both know how to care for the child overnight, or
- Live close enough to each other that the child won’t have long

**Plan 12:** Split each week and weekend. (See a sample schedule on page 18.)

**Comment:** This plan lets the parents take part about equally in the child’s school life. It also provides a consistent routine, accommodates a child’s ability to be apart from either parent for three or four days, and allows the child to have a "stay home” day (Saturday or Sunday) with each parent each week, which is helpful to many young children. Parents who want full weekends with or without the child may not like this schedule, but it can be written to allow full weekends during the summer or on holidays. Also, the schedule can be
car trips between the homes, or

- Can communicate and cooperate with each other about the child’s care and well-being, or
- Parents have been successfully following Plan 11 for a while.

written so that in Week 1, Parent A has three overnights and Parent B as four, and in Week 2, Parent B has three overnights and Parent A has four.

Plan 13: Each parent has the same two consecutive midweek overnights each week and alternates the weekends. This is commonly referred to as the 5-2-2-5 plan. Each week, the child spends Monday and Tuesday night with Parent A and Wednesday and Thursday night with Parent B. In Week 1, the child spends the weekend with Parent A. In Week 2, the child spends the weekend with Parent B. (See the sample schedule on page 19.)

Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days, which may be difficult for some children. This plan is helpful when the parents’ level of conflict makes exchanges difficult, because all exchanges can take place at school or day care.

Plan 14: The parents share time with the child during alternating seven-day periods. A midweek overnight period is optional with the parent who doesn’t have parenting time that week. The best exchange time in most cases is Friday after school or work. (See a sample schedule on page 20.)

Comment: The more consistent the child’s life is from week to week, the easier it is for the child. Parents who can’t communicate and work well with each other will find it hard to make this plan succeed for the child. For example, if one parent wants to enroll the child in karate lessons on Tuesday evenings, the other parent should take the child to karate when the child is with that parent. As another example, the child may have a hard time in school if Parent A handles homework differently than Parent B. All exchanges for this plan can take place at school or daycare if desired.
Vacation: Each year, each parent can take from two to four weeks of vacation time with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they’ll be going and how to reach the child or the parent during the vacation.

Holidays: Parents may alternate, share, or split the holidays for children of this age. The "Holidays, Vacations, and School Breaks" section on page 45 offers some ideas of what to think about and how to divide holidays and other special days.

Create your own schedule using the sample form on page 9.

TEENAGERS (13 TO 18 YEARS)

The teenager is developing greater independence and beginning to separate from the family, including both parents. Teens start to feel like young adults who think they no longer need their parents, but they also have times when they still want their parents to take care of them. They begin to plan for driving and dating, and they are thinking about college or work.

They are feeling the pressures of school, family, and friends, and they may not like a strict parenting time schedule. They may show their dissatisfaction by becoming irritable or moody or having an attitude they never had before. Many lack the skills to express the many strong but conflicting emotions that go along with growing up. When parents are establishing a parenting time schedule or thinking about making changes in an existing schedule, they should give more
thought to the needs and wishes of their teenager. Parents should let them express their views, while making it clear it is up to the parents to make the final decisions.

During a separation or divorce, parents often feel the need to pull their teen closer to them to reassure themselves they aren’t losing their child to the other parent. Sometimes parents are tempted to get their child on their side. A teen may avoid both parents or reject one parent and cling to the other, especially if the parents are putting them in the middle of their conflict. Some teens want little or nothing to do with either parent and turn to friends or others to talk to who aren’t part of the conflict. Teens are often confused and angry at the way their parents are acting and may feel their parents haven’t been concerned about how the divorce or separation is affecting them. The strong conflicting emotions they experience may cause them to act in new and unfamiliar ways as they struggle to deal with these changes in their lives. Therefore, parents shouldn’t assume that their child’s mood swings or acting out are caused by the other parent.

13 TO 15 YEARS – EARLY TEENS

Children between ages 13 and 15 continue to use the family as a base of support and guidance. This is a time when the child is striving for independence but still is tied to the parents. Teens, for many different reasons, begin to assert more independence at different ages. Decision-making abilities vary widely among teens in this age group as well as from one situation to another.

Teens often have outside interests that compete with the scheduled parenting plan. They frequently prefer to spend more time with their friends than their parents and may become resentful or angry if they can’t do what they want to do.

Teens may try to reach a deal with one or both parents to get what they want, which may affect either parent’s parenting time. It’s important for parents to talk with each other to decide when their parenting plan should be more flexible.
16 TO 18 YEARS – LATE TEENS

It’s important for parents of teenagers of this age to maintain the child’s accessibility to school, friends, extracurricular and community activities from both homes.

Teens may feel they should have more independence and may resist a rigid parenting time schedule. Parents must add greater flexibility to the parenting plan by thinking about the child’s wishes and deciding parenting time issues with the child. That way, teenagers won’t feel forced to comply with a parenting schedule in which they had no say but instead will feel like they are doing something they want to do.

Your teen may benefit from a primary home base, with specific evenings, weekends, and activities at the other home scheduled on a regular and predictable basis. More than anything, your teenager will usually want a say in the parenting plan but the teen doesn’t get to choose. Regardless of your teen’s needs, the parenting plan should include the considerations listed below:

- work
- extracurricular activities
- social life
- increased schoolwork
- jobs
- peer relationships
- sports

Many teens prefer one primary home (close to their friends), and weekends or evenings with the other parent. Some will prefer a balanced, 50-50 plan with their parents. Much of this will depend on the history of the relationship with each other, the distance between parents, and the parents’ availability to meet their child’s needs.

DESIGNING A PLAN FOR TEENS

Parents of teens should think about the child’s schedule and commitments, distance between the parents’ homes, each parent’s work schedule or other obligations, the child’s temperament and wishes, and a teen’s need for unstructured time.
Parents may need to think about many circumstances when making schedules for teenagers. Their involvement with school, friends, clubs, sports, or other commitments can create an exhausting schedule. The result may be that the teen is home for little more than sleeping and eating, leaving no time for family or parents.

Parents may lose a lot of time with their teens because activities or friends take even more of the teen's time. Planning the schedule of a teen that can balance all of these areas may require the help of professionals, such as counselors, mediators, or parenting coordinators, who have created such plans, if the parents are unable to do so.

It's challenging to create parenting schedules for this age group because each family's circumstances are unique. It's especially important for parents to be flexible when creating a parenting plan with a teenager. When parents agree, a flexible schedule may work best for a teen as long as the parents are able to work together with little conflict and the teen spends time with each parent. In this case, teens can plan their schedule based on their activities and social lives. The amount of time they spend at either parent's house is due to the teen's interests, not a preference for one parent over the other. Having "No Plan" may be an acceptable alternative that doesn't favor one parent and yet still allows the teen to have a schedule that supports his or her life. The fact that there is no plan shouldn't undermine the parent-child relationship.

This is also a time when children may talk about a desire for a home base because of the growing importance of their own friends and activities. Both parents can increase contact through regular attendance at the child's athletic, performance, academic, or other activities. This allows for a large amount of parental involvement in activities important in the child's life.

Although many different plans may work for teens, here are general options that can be a framework for developing a plan.

9

Plan 9 -- Two consecutive overnights every other week. An additional three-to six-hour period or overnight may be added each week. (See a sample schedule on page 16.)

Comment: Provides a home base for the child with time with the non-residential parent during the week and on weekends.
Plan 10: Three consecutive overnights every other week and an additional four- to six-hour period each week. (See a sample schedule on page 16.)

Comment: This may or not occur, depending on the teen.

Plan 11: Four consecutive overnights during Week 1 and one overnight during Week 2. (See a sample schedule on page 17.)

Plan 12: Split each week and weekend. (See a sample schedule on page 18.)

Comment: This plan lets the parents take part about equally in the child’s school life. It also provides a consistent routine, accommodates a child’s ability to be apart from either parent for three or four days, and allows the child to have a "stay home" day (Saturday or Sunday) with each parent each week. Parents who want full weekends with or without the child may not like this schedule, but it can be written to allow full weekends during the summer or on holidays. Also, the schedule can be written so that in Week 1, Parent A has three overnights and Parent B as four, and in Week 2, Parent B has three overnights and Parent A has four.

Plan 13: Each parent has the same two consecutive midweek overnights each week and alternates the weekends. This is commonly referred to as the 5-2-2-5 plan. Each week, the child spends Monday and Tuesday night with Parent A and Wednesday and Thursday night with Parent B. In Week 1, the child spends the weekend with Parent A. In Week 2, the child spends the weekend with Parent B. (See the sample schedule on page 19.)

Comment: This plan provides each parent with alternating full weekends with and without the children. The child is away from each parent during alternate weeks for five days.
Plan 14 -- Alternating seven-day periods with or without mid-week time. Mid-week time may add more scheduling challenges. (See a sample schedule on page 20.)

Vacation: Each year, each parent can take from two to four weeks of vacation time with the child. Two two-week periods may be best for younger children. If a four-week vacation period is used and the child is in town, the child should have the opportunity to be with the non-vacationing parent for one weekend during the vacation period. At least 30 days before the planned vacation, each parent must give the other parent written notice of the travel dates. At least 3 days before travel, each parent must give detailed information to the other parent, including the places they'll be going and how to reach the child or the parent during the vacation. Keep in mind your teen’s work schedules and extracurricular activities.

Create your own schedule using the sample form on page 9.
HOLIDAYS, VACATIONS, AND SCHOOL BREAKS

The schedule for holidays, vacations, and school breaks takes priority over the regularly scheduled parenting time. In deciding how to schedule these events, think about it from your child’s point of view. Children enjoy having the opportunity to have special time with each parent and extended family members. Each parent may need to encourage his or her extended family to adjust some of their schedules so the child can participate in celebrations during parenting time. Also, think about the child’s need to have contact with the other parent during extended vacation time. Scheduled phone calls during a vacation can help reduce anxiety for both the parent and the child without disrupting the vacation.

Whenever the child will be traveling to a different place, it’s important for the parents to share information about where they will be staying, how they can be contacted, and when they will be returning. If the vacationing parent provides a written schedule that includes this information, the non-vacationing parent will be assured of the ability to communicate in case of emergency. In that same way, the non-vacationing parent should provide contact information if he or she will not be at home during the child’s vacation.

In determining what to do about school breaks, consider the child’s activities and the availability of one or both parents during the break. If the child needs day care, the parents can consider a plan that minimizes day care during the break. If both parents must work, the child may still enjoy a break from the regular schedule that allows him or her to spend more time with a parent than is usual.

HOLIDAYS

The first step is to decide what holidays either of you wish to celebrate. Keep in mind the traditions the child has experienced through his or her life and how the holiday parenting time might affect these traditions and the child's security. Children thrive on healthy traditions and celebrations and respond more enthusiastically to a plan when both parents work on it together and support it.
Holidays, Vacations, and School Breaks

Here’s a list of typical holidays. Choose the ones that apply to your family and add any others that should be included in the parenting time plan.

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Parenting Time Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independence Day / 4th of July</td>
<td>Martin Luther King, Jr./Civil Rights Day</td>
</tr>
<tr>
<td>Labor Day</td>
<td></td>
</tr>
<tr>
<td>Rosh Hashanah</td>
<td>Halloween</td>
</tr>
<tr>
<td>Yom Kippur</td>
<td>Presidents’ Day</td>
</tr>
<tr>
<td>Veterans’ Day</td>
<td>Passover</td>
</tr>
<tr>
<td>Thanksgiving</td>
<td>Easter</td>
</tr>
<tr>
<td>Hanukkah</td>
<td>Mother’s Day</td>
</tr>
<tr>
<td>Christmas Eve</td>
<td>Memorial Day</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>Father’s Day</td>
</tr>
<tr>
<td>New Year’s Eve</td>
<td>Child’s birthday</td>
</tr>
<tr>
<td>New Year’s Day</td>
<td>Parents’ birthdays</td>
</tr>
</tbody>
</table>

After you decide which holidays apply, think about whether all holidays should be handled the same way or whether it makes more sense to divide some and alternate some. Many parents agree that the children will be with the mother every Mother’s Day and the father every Father’s Day. Many parents divide most of the holidays but split up the time on days that are special for both parents, such as Christmas Eve and Christmas or the child’s birthday.

VACATIONS

Most parents agree to a set time for each parent to enjoy a vacation with the child. Whether you’re traveling for vacation or just staying home, your child will enjoy spending any time you can take away from work with you. Whether a parent has the ability to take time off from work, vacation parenting time is intended to allow each parent the chance to either travel or stay home and spend an uninterrupted period of time with their child.

A child may become anxious if away from a parent for much longer than usual. Scheduling a phone call midway through a weeklong vacation, for instance, may help the child handle the separation. Sometimes frequent calls from the “away” parent can cause the child to feel sadness and longing. If both parents are sensitive to the needs of their child, they can find a balance between contact and too much contact. If a long vacation period is going to be spent at home, or
close to home, it might make sense to break it up with a short visit with the other parent. Parents need to make all of these decisions ahead of time to reduce conflict between them and to provide predictability for the child.

Because transportation, weather, and other issues can cause problems during travel, it’s important to provide the other parent with details about when and where travel will occur. Details include flight numbers and times, hotels, places where the child will be staying, and telephone numbers. If an emergency arises, a parent should be able to contact the other parent or the child. The parent traveling with the child should have passports, travel documentation (including a notarized consent to travel form if traveling outside the United States), updated medical information, insurance cards, prescriptions and any other special supplies the child will need.

Communication about when each parent will use vacation time needs to take place well in advance of the vacation. Because of school schedules, most parents plan vacations in the summer and will often set a deadline to communicate the dates of their vacations. For instance, if each parent has a two-week period, they may decide that in even years, Parent A will have the first chance to choose the vacation dates and must communicate those days in writing by April 1; Parent B will then choose the vacation dates out of the remaining dates and communicate those days in writing by April 15. In this example, Parent B would have first choice in odd-numbered years.

SCHOOL BREAKS

School districts will determine the break schedule and usually publish their yearly calendars well in advance. Most districts have websites that provide current schedules. As with holidays, the first step is to determine which breaks the school observes. Schools may have spring, summer, fall, and winter breaks as well as early release or other school release days.

If the parents have a regular parenting time schedule with nearly equal time, many parents will not change the parenting time schedule during the school breaks. The regular schedule will continue. Other parents will decide to alternate breaks each year or share the break by splitting the time between each parent. Since the
breaks sometimes occur at the same time as the holidays, such as Christmas or Passover and Easter, it may be helpful to look at the holiday schedule at the same time when planning the break schedule.

Here are some ideas on how to share the holidays and language you can use when you create your parenting plan.

**Divide**  
Split the day or weekend (not necessarily equally) between both parents.

*Sample parenting plan language:* The children will be with Parent A on __________ (name the specific holiday, such as Thanksgiving) from 9:00 a.m. to 2:00 p.m. and with Parent B from 2:00 p.m. to 8:00 p.m.

**Alternate**  
The children are with one parent on specified holidays in even years and with the other parent in odd years.

*Sample parenting plan language:* The children will be with Parent A on __________ (specific holiday, such as Thanksgiving) in all even years from 9:00 a.m. to 5:00 p.m. and with Parent B in all years from 9:00 a.m. to 5:00 p.m.

**Substitute**  
The children always spend a specific holiday with one parent (for example, Halloween) in exchange for a different holiday with the other parent (for example, Fourth of July).

*Sample parenting plan language:* The children will spend __________ (specific holiday, such as Fourth of July) each year with Parent A and __________ (specific holiday, such as Halloween) with Parent B each year.

**Follow regular schedule**  
The children follow their regular schedule and celebrate the holiday with the assigned parent who has parenting time on that day or time.

*Sample parenting plan language:* The children will celebrate __________ (specific holiday, such as Fourth of July) as it falls on the regularly scheduled parenting time.
Parents must be aware of the impact of relocation on their child and that relocation may require the permission of a judge. Long-distance parenting rules can apply whenever the move between homes is more than 100 miles or there is travel between two states. Please read the Arizona relocation statute, A.R.S. § 25-408, before thinking about a move. The statute permits a long-distance move of a child only when the move is in the best interests of the child. The statute can be found in public libraries or on the Internet by following the links at www.az.gov.

Disagreements about long-distance parenting time often result in the judge making a decision. Unfortunately, a decision by a judge may not please either party. Each relocation case is unique, and the right decision is based on the specific facts for each family. Parents should make a serious effort to resolve a parenting time dispute themselves or with the help of a mediator, or an attorney. Any reasonable agreement between the parents negotiated in good faith is usually better than having a judge decide the matter after the expense and stress of a court hearing.

A parent who wants to move a long distance with, or without, a child should think about many things before making a decision. Long distances often weaken the relationships between children and parents. If the move is necessary, parents might want to consider relocating both households to the same city. If it isn’t possible, parenting time for the distant parent must be at regular and frequent times during the year. The court considers many factors, and parents should think about these factors. Each parent should take a moment and “stand in the other parent and the child’s shoes.” What is their point of view? How would I feel if my child moved away to another city? Think about all the facts including the age and maturity of the child, the child’s developmental needs, sibling bonds, school and work schedules, transportation costs, the presence of supportive family and friends in each city, and the gains or loss of extended family.

For most children, a long-distance move may result in less regular contact with both parents. If both parents are within a reasonable distance of each other, the child benefits. When parents live far
apart, a child’s daily and weekly contact is reduced and large gaps of
time without physical contact between the child and parent develop.
When both parents move to the same general area, it is less
disruptive. No matter the distance, a child will benefit from as much
regular and frequent physical contact with each parent as possible.

GENERAL RECOMMENDATIONS

When parents live far apart, there should be a minimum of four
blocks of parenting time between the child and parent each year.
Blocks of time should occur over the summer, winter break, spring
break, and at least one other block of time. When the parents live
close enough to each other, parents can add once-a-month weekend
time during the months not covered by the four parenting time
blocks. When the driving distance is under four hours, the
opportunity exists to add every-other-weekend contact or long
weekends in the plan.

Holidays and special occasions are challenging for parents who live
far apart. As children reach age three, they become aware of
holidays. Parents must be flexible, cooperative, and allow the child to
enjoy special times with each parent. New family traditions may
develop for each household. Parents should arrange for the many
religious, cultural, or national holidays that exist in each home
including family birthdays and Mother’s Day and Father’s Day.

Long-distance parenting is expensive. The cost of travel is covered in
the child support guidelines. If the court hasn’t said who pays for the
travel expenses in the child support order, the parents should agree
on how to share these costs before a move. In the case where the
move is necessary, the costs usually are divided in proportion to the
parents’ incomes. However, if the move is voluntary, the moving
parent usually pays a greater percentage of all travel costs. A cost-
saving idea is to have the distant parent do most of the traveling and
not the children.

The term “far apart” means different things to different people. The courts examine long-distance parenting
when the distance in time for travel or miles is so great that it has a serious impact on a child’s welfare.
Example: Jaime and Pat move from Florida to Arizona in 2005 because of Pat’s job. They have a two-year-old daughter and a son who is five. Both parents work. Jaime has two weeks of vacation each year and Pat has four weeks. During the marriage, Jaime was the primary caregiver and Pat was an active secondary caregiver. This year they file for divorce. Jaime is an only child whose elderly parents live in Florida. Jaime wants to move back to Florida to have more income and to be closer to them. Pat’s job requires travel out of state for a week each quarter. Pat wants to remain a vital and active parent in the children’s lives. The parties ask for a resolution management conference with the judge to help sort out the move dispute.

The judge suggests:
1) Pat ask at work about a hardship move back to Florida
2) The parents price the cost for a joint move or a delayed move by Pat with reimbursement
3) The parents think about sharing the cost of moving Jaime’s parents to Arizona
4) Jaime use job services in both locations to compare the incomes (while keeping in mind the added costs Jaime could face for transportation of the children)
5) Jaime consider staying in Arizona until the children are both school age
6) The parents sacrifice their vacation time to always vacation in the same location as the other parent until the children are old enough to travel unaccompanied by a parent
7) The parents meet in mediation to explore more options
8) The parents continue to discuss solutions between themselves or through their attorneys.

AGE-SPECIFIC RECOMMENDATIONS

BIRTH TO PRE-SCHOOL
This is an important time for bonding between parents and children. For most children, the loss of a strong bond is a lifelong issue. In contrast, building a strong bond creates a sense of belonging, encourages active and committed parents, causes healthy adult relationships with both genders, facilitates co-parenting, and improves communication between parents and a growing child. If possible, the long distance separation should be delayed so that both parents and children can make best use of their time together during these formative years. If the move can’t be delayed, the parenting
time schedule should be designed to provide the most direct and frequent physical contact between the child and both parents that time and money permit.

KINDERGARTEN TO 12 YEARS

The parties should continue to make the most of the time each parent has with the child. The schedule should be adjusted to follow closely the child’s regular school schedule. The school year parent must sacrifice frequent physical contact during non-school times such as the summer and holidays, while the non-school parent must sacrifice frequent physical contact during the school semesters. Some schools have year-round or modified year-round schedules that provide for more frequent or longer breaks with the distant parent. If parents can find a school with such a schedule, this will be of assistance to children.

13 TO 15 YEARS

The parties should continue to take full advantage of the time each parent has with the teen. The schedule should continue to follow closely the available times from the teen’s school schedule. The distant parent may need to accommodate the school schedule and extracurricular activities. The school parent may need to sacrifice holiday time to offset the parenting time lost by the distant parent. Weekend parenting time may become more difficult during the school year because of the teen’s involvement with school activities, work, and friends. Flexibility by both parents is critical. Parents can expect the teen to start to try to negotiate time with both parents. Consider your teenager’s ideas in your decision-making. Expect that some teens may want to switch hometowns for the opportunity to get to know the other parent better. As with any plan, parents must make the final decision about schedules. Summer parenting time is even more important to ensure that the distant parent and teen have a continuing relationship. The distant parent should make every effort to provide matching activities, summer school classes, or employment opportunities for a teen so that the teen remains enthusiastic about continuing the summer schedule.

16 TO 18 YEARS

Teens at this age normally think of themselves as young adults preparing for the world ahead of them. Parents can guide their teenager by permitting greater responsibility and independence. One opportunity to make them good decision-makers is with the
parenting time schedule. Ask their opinion, listen to what they have to say, and give them choices. Teens want their parents to be available but also want to control their own day-to-day activities. Communication and compromise will lead to the desired flexible schedule.

Example: Chris and Terry have been divorced for four years in Arizona and both have remarried. Each parent has a new toddler. The parties have teenage twins, a daughter and a son. The twins live primarily with Chris and spend substantial time with Terry. Chris and Terry have continuing conflicts. The twins are entering their sophomore year of high school. This year, Chris gave Terry timely notice of an intent to move to California at the end of the school semester because Chris’s new spouse is being transferred to Sacramento. Terry objects and files a request to prohibit the relocation of the twins. Chris says Terry is opposing the move out of spite. Terry says Chris is using the move to damage further Terry’s relationship with the kids. The parties ask for a resolution management conference with the judge to help sort out the move dispute.

The judge suggests:
1) The parents put aside their conflict and consider the impacts, pro and con, of the move on the teens
2) The parents consider child interviews
3) Chris’s new spouse ask at work about a hardship move back to Arizona
4) The parents price the cost for transportation to and from California
5) The parents seek advice from educational professionals on the impact of a change in high schools
6) The parents meet in mediation to explore more options
7) The parents continue to discuss solutions between themselves or through their attorneys.

GENERAL TIPS

AIR TRAVEL

Ideally, a child younger than eight shouldn’t travel alone. If it’s necessary for a child to travel by air, direct flights between major cities are preferred over multiple stops or plane changes. To save costs, tickets should be priced at a 30-day advance notice, economy class, on major carriers. Consult each airline for how and when unaccompanied or monitored minors may fly. Remember that if a person younger than 18 is traveling in the United States alone or
with only one parent or another adult, a court order or certified consent letter proving that both parents permit the trip should be carried.

**DELAYS AT EXCHANGE POINTS**

Communication is never more important than when a long-distance exchange occurs. Keep your contact numbers current and notify each other of the safe arrival of your child. Also, be sure to keep each other informed of any unforeseen delays as soon as possible. Discuss in advance what a reasonable waiting time is for each means of transportation.

**DROP-IN VISITS**

Opportunities can occur for either parent to be in town when the children are in the care of the other parent. When such opportunities arise, parents should be flexible and set aside normal routines to allow contact on short notice. A lot of good faith can arise from such cooperation. Remember, the shoe may be on the other foot someday.

**FREQUENT MOVES**

Families benefit from financial stability in their lives. It’s also a fact that the average U.S. family moves every five years. Typical reasons include jobs, health, education, marriage, and family emergencies. However, when either parent moves frequently and without good reason, that parent can expect to bear the burden of the move and pay more for the costs and travel time for parenting.

**INTERNATIONAL PARENTING TIME AND BORDER TRAVEL**

International parenting time and travel have unique challenges. Children may leave the country without restriction but can’t return without proof of citizenship. Passports and visas are required. The primary custodial parent should safeguard these documents and make them easily available to the other parent at the scheduled times and places of exchange. Likewise, the documents should be returned promptly at the conclusion of parenting time. The non-custodial parent should keep copies of important travel documents. For the latest requirements, review the crossing borders section of the U.S. Department of Homeland Security found on the DHS web page at [http://www.dhs.gov/xtrvlsec/crossingborders/](http://www.dhs.gov/xtrvlsec/crossingborders/). For long-term planning, review the information found in the Office of Children’s Issues, U.S. Department of State, found on its web page at [http://travel.state.gov/family/about/about_605.html](http://travel.state.gov/family/about/about_605.html).
Long-Distance Parenting and Relocation

MILESTONES AND CHILD DEVELOPMENT
The parent who is away from the children for a significant length of time may be out of the loop on their general welfare. It’s important for each parent exercising parenting time with the children to keep the other informed about school progress, awards, special recognition, report cards, sports performance, physical and emotional health concerns, extracurricular activities, and other important milestones and developments in the child’s life. Likewise, the child should know the significant, age-appropriate events in each parent’s life during his or her absence. All are equally important. Traveling or shared journals are a useful tool for such purposes.

TIME LOSS FOR TRAVEL
In a long-distance parenting plan, anticipate the loss of time with children by both parents because of travel over great distances. Building parenting time into travel may be a possible solution. Travel time activities can be a chance for parents and children to transition and enhance their relationship. Thus, when possible, the receiving parent should be the accompanying travel parent.

“VIRTUAL PARENTING”
Maintaining contact by phone, letter, text messaging, e-mail, web cam and other technological means may be helpful and worthwhile for long-distance parenting. However, virtual parenting is not an ideal substitute for regular in-person contact, and it shouldn’t be used as an alternative that decreases the parenting time of a parent.

WILD CARDS
Parents can expect pre-teens and teens, at a certain level of age and maturity, to start to negotiate with both parents about their living arrangements. One solution is to build into the plan some “wild card” days for the child to choose to expand or contract time inside an otherwise fixed schedule.
**SPECIAL ISSUES**

**ABSENT PARENT REUNIFICATION**

Some children may have a parent who wants to become part of their lives after years, or a lifetime, of not being involved with them. Other children may have a parent who was in their lives at one time but left, and then, after many months or years, wants to be part of their lives again. The emotional issues for both children and the custodial parent are often very complicated and difficult to understand. Most children and parents need professional help to build trust between the child and the absent parent. This kind of help is called reunification counseling. The time it takes for the counseling to be successful will depend in part on the child’s age and personality. Counseling also can help parents learn to communicate and cooperate. This kind of counseling is called co-parent counseling.

**BLENDED (STEP) FAMILIES**

Today, at least one-third of all children in the U.S. are expected to live in a stepfamily before they reach age 18. When two families unite, new personalities, habits, rules, and memories become part of the household. Most blended families are capable of working out their differences or conflicts and living together successfully. It takes patience, open discussion of feelings, positive attitudes, mutual respect, and thoughtful planning on the part of both parents (biological and step) to make the formation of a new family succeed. Parents also need to be sensitive to the children’s needs (those of their children and those of the other parent) and understand that blended families are complex.

No matter how hard the parents try, when two separate families come together under one roof, there will be conflicts. Children can be sad or fearful as these changes occur, and it takes time for them to adjust to the new family. Several common problems can occur within a blended family. One problem is discipline. The parents should agree and explain to the children if and how a stepparent is going to discipline stepchildren. Another possible problem is what name the children are to call the stepparent. In addition, some children want time alone with their biological parent and may become angry when the parent spends time with the new partner and his or her children. There are also children who resist developing a close bond with a stepparent because they fear this could anger their biological parent of the same gender. Family counseling for all family members may be needed if a child continues to resent a stepparent, if a stepparent continues to resent a stepchild, if a stepparent continues to openly
favor his or her children, or when a member of the family continues to avoid contact with the new family members. Here are some tips for parents and stepparents to create positive relationships for each member of the blended family:

- Be sensitive about introducing a new partner into your children’s lives.
- Spend some alone time with your own children so they don’t feel overshadowed by the new family members.
- Discuss parenting problems with the other parent away from the children.
- Avoid any display of favoritism regarding your children.
- Let the children choose an appropriate name or title for the stepparent.
- Plan regular family meetings to discuss all members’ needs.

**BREAST-FEEDING**

Pediatricians agree that breast-feeding is best for most babies. There is no proof, though, that breast-fed babies form closer relationships with their parents than do bottle-fed babies. Children develop secure and positive relationships when they have frequent contact with a parent who holds, talks, comforts, and feeds them in a sensitive and caring manner.

Parents who are not raising their child together must balance the baby’s need to nurse with its need to bond with the father. The parents should talk often and openly with each other about the baby. Breast-feeding shouldn’t be used to stop the father from spending time with the child. Instead, mothers need to offer the father parenting time, and fathers need to be flexible regarding the need of the baby to nurse. A father can feed an infant with the mother’s expressed (pumped) milk, particularly after nursing routines are well established. If there are any questions about breast-feeding, parents should talk to the baby’s pediatrician.

**CHILDREN WHO DON’T WANT TO SPEND TIME WITH A PARENT**

Some children find it hard to go from one parent’s home to the other, and they express these feelings through their behavior. There are many reasons why some children say they do not want to spend time with the other parent. Some of the reasons have to do with a child’s age and personality, while for others it has to do with how their parents get along. How a parent reacts to a child not wanting to be with the other parent can also affect whether the child or teen is willing to be with the other parent. Toddlers, for example, may not yet understand what is happening to them at exchange time, and
they may cry when they leave one parent. This is a natural reaction, and these children usually calm down once they are distracted and are engaged in a fun activity. Sometimes children just don’t want to stop doing what they are doing because they’re having fun. Other children may not have gotten used to being in a new environment, and they would rather stay in a home and a neighborhood that they know. Parents can help children adjust by understanding their feelings but insisting that they spend time with the other parent, just as a parent would do if the child doesn’t want to go to school.

Parents should also understand that sometimes there are problems that need to be worked on through counseling. For example, some children may have serious problems getting used to a parent’s new partner and his or her children. There are also children who are caught in the middle of their parents’ conflict and who may take sides with one parent and refuse to do what any parent or judge tells them to do about spending time with the other parent. In situations like this, professional help is usually necessary. If there are concerns that the children don’t want to go because they’re being abused or neglected, Child Protective Services should be contacted.

An incarcerated parent is still a parent to a child. In many cases, a child has a legal right and an emotional need to remain in contact with the parent in prison. It’s important to understand that the needs of the child may be different from the custodial parent’s needs regarding contact with the incarcerated parent. Before a child visits the parent in jail or prison, the custodial parent should talk to the child about what to expect. After the visit, the child should be encouraged to talk openly about thoughts and feelings regarding the visit, and the custodial parent should respond sensitively.

Many parents co-parent well, but some do not. Some parents argue with each other when they exchange the children or talk to each other on the phone. They sometimes blame the other parent for the problems they’re having, and in extreme cases, some parents tell the children how bad the other parent is.

When parents do these things, children can develop emotional and behavioral problems. They may become fearful, thinking that they’re the cause of their parents’ fighting, finding themselves having to choose between their parents, or developing low self-esteem.
For parents who can’t cooperatively co-parent, parallel parenting is a way for them to raise their child with little contact between each other. Each parent makes day-to-day decisions about the child while the child is with the parent. With parallel parenting, communication between the parents is limited, except in emergencies, and usually is in writing. A co-parent therapist or a parent coordinator often helps parents handle parallel parenting arrangements.

In some counties, parents can attend high conflict resolution classes or cooperative parenting classes. In these classes, parents learn that any continuing conflict between them will likely have a long-term negative effect on their children. They also learn skills to be better co-parents.

The reality for military families is movement. When parents are first divorced or separated, they may live in the same community. This will require a parenting plan that focuses on sharing the child when the parents live close to each other and allowing for temporary duty assignment (TDY) possibilities. Military families should think about including a long-distance parenting plan in case parents are no longer living in the same area. Detailed travel arrangements are an important part as well as allowing for deployment and TDY issues.

Parents may want to think about how parenting time can be rearranged because of temporary duty assignments or overseas commitments. One idea is to extend summer or winter breaks to allow for such situations.

Maintaining contact between the child and the non-residential military parent is important. The residential parent can support the child’s relationship with the other parent by having a consistent plan of communication with the other parent. It may seem at times (to the residential parent) that he or she is shouldering most of the responsibility for fostering the child’s relationship with the absent parent. It’s important to know that the child will benefit from this effort as the child gets older.

When parents aren’t married to each other when their child is born, the biological father has no legal right to custody or parenting time until paternity is legally established and the court orders custody and parenting time. The court also will not order child support until paternity is legally established.
When a parent hasn’t had parenting time with the child before, the court may order limited parenting time at first and gradually increase it over time. The court may order supervised parenting time at first until the parent has gained parenting skills and the child feels comfortable with the parent.

Unmarried parents may not know each other very well and as a result can’t rely on previous experiences of working together as parents. If the parents never lived together or did so only for a short time, they will have to develop a cooperative co-parenting relationship. The parents may find joint counseling helpful.

The extended family members should be supportive of each parent’s relationship with the child. It’s important for each parent to be responsible for his or her relatives and to ask them to support the child’s relationship with the other parent.

A child who has had little or no contact with the other parent may have developed an important relationship with someone he or she perceives as a parent. A child could have difficulty coping and adjusting to a parent who reappears after a long absence. See the section on page 56 concerning reunification.

**Protective Orders** -- When an Order of Protection is in effect, the parenting plan cannot include contact that would violate it. Only the court can change a protective order. If there is a protective order between you and the other parent, you may ask the court to change the protective order to allow parenting time exchanges in specific locations with no contact between the two of you. You also can ask a third person to help transport the child for parenting time exchanges.

**Domestic Violence** -- When there has been a history of significant domestic violence, the court will not order joint custody. The parenting plan must provide for the safety and well-being of the child, if the child was present when domestic violence occurred (See A.R.S. § 25-403.03 for more specific information.) In cases of domestic violence, the plan may provide for supervised parenting time during which a specified adult must be present. The plan should name the person who will supervise the parenting time. Some courts have supervision programs but many do not. If there is no court supervision program available, the supervisor named in your plan
must be a responsible adult who has time to supervise the parenting time and can act calmly and maturely with the parent who is being supervised.

**Alcohol or Drug Use or Abuse** -- If you’re concerned about the other parent’s alcohol or drug abuse, the parenting plan may provide for drug testing or include other provisions limiting alcohol or drug use during parenting time for one or both parents. If testing is required, the parenting time order should state how often testing will happen, who will pay for it, and what will happen if there is a positive test.

It’s a good idea to keep siblings together. Sometimes, though, this isn’t possible. Consider the unique needs of your children when deciding how much time each parent will spend with each child. For example, when there’s a wide age difference between siblings, the parenting plan might include some alone time with the parents for each child. Remember, the plans based on ages are only suggestions. Parents may decide that a certain plan works best for all of their children, even though that plan is not recommended for a child’s age.

Almost one-third of all children under the age of 18 suffer from one form or another of ongoing mental or physical health problems. It’s important that both parents understand the health problems and agree to follow the treatment the doctor recommends. In most cases, it’s best when both parents attend the doctor appointments. The more serious the child’s health problem, the more the parents need to talk to each other and keep each other informed. The parents must also learn to organize medication, medical equipment, and treatments. When the parents have joint legal custody, they both need to be involved in major decisions about medical treatment, unless their court order says something else. The parenting time schedule should fit the child’s medical needs.

A parent may be tempted to involve a third party (such as a boyfriend or girlfriend, grandparents, or friends) in parenting time exchanges or discussions with the other parent. If there is any chance of conflict with the other parent, letting a third person speak for you usually is not a good idea and can make matters worse. Instead, a neutral third party, such as a mediator or a parenting coordinator, may be able to assist parents in resolving their disputes.
PROFESSIONAL SERVICES FOR PARENTS AND CHILDREN

Given the differing circumstances in each family, courts use a variety of community professionals to help. Some of the services offered by mental health experts are outlined below. The use of such professionals does not mean one of the family members suffers from a mental disorder. Helping identify problems that can affect your children and getting the right person to help starts when you know the different types of services and can request the ones that best suit your family.

**ALTERNATIVE DISPUTE RESOLUTION (ADR): SOLVE IT WITHOUT A JUDGE**

<table>
<thead>
<tr>
<th>Service</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collaborative Divorce Coaching and Consulting</td>
<td>Team approach to divorce involving the parents, their attorneys, financial analysts, consultants, and others who provide information and education to help resolve parental disputes without court involvement.</td>
</tr>
<tr>
<td>Conciliation Court or Conciliation Services</td>
<td>A department within the superior court of each county that offers alternative dispute resolution services as ordered by the court for those involved in family law cases. Services provided may include: parent education classes, conciliation counseling, custody/parenting time mediation, parenting conferences, evaluations, and parenting coordination. Each county may offer different services, and in some counties, services may be contracted out to private providers.</td>
</tr>
<tr>
<td>Mediation</td>
<td>Uses a variety of negotiation tools and strategies to assist parents to reach agreement about all aspects of child custody and parenting plans.</td>
</tr>
<tr>
<td>Parenting Coordinator</td>
<td>Case management, dispute resolution process using mediation and arbitration concepts to help implement parenting plans.</td>
</tr>
</tbody>
</table>

**ASSESSMENT: PROVIDING INFORMATION TO THE JUDGE**

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brief Focused Evaluation</td>
<td>Less comprehensive evaluation focused on addressing specific issues or updating an already-existing parenting plan.</td>
</tr>
<tr>
<td>Child Custody Evaluation</td>
<td>Comprehensive fact-finding process resulting in extensive decision-making and parenting time recommendations. Especially helpful where there are high-conflict parental relationships, relocation issues, or allegations of sexual abuse, child abuse, or domestic violence.</td>
</tr>
<tr>
<td>Service</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Child Forensic Interview</strong></td>
<td>Specialized interview of a child to answer specific questions for the court without involving the child directly in the legal system.</td>
</tr>
<tr>
<td><strong>Neuropsychological Evaluation</strong></td>
<td>A process by a medical professional to determine if a person has a physical brain injury that significantly disrupts the person's life, typically manifested by “short fuse” violence and post-traumatic stress disorder.</td>
</tr>
<tr>
<td><strong>Psychological Evaluation</strong></td>
<td>Process using psychological tests, interviews, and observations to evaluate mental status and functioning or treatment needs.</td>
</tr>
<tr>
<td><strong>Psychosexual Risk</strong></td>
<td>Process using psychological tests, polygraphs, interviews, and observations to evaluate the potential risk for physical and/or sexual abuse of children.</td>
</tr>
<tr>
<td><strong>THERAPEUTIC: GETTING HELP</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Co-Parenting Therapy</strong></td>
<td>Joint parental therapy intended to increase positive coordination by parents and reduce conflicts.</td>
</tr>
<tr>
<td><strong>Family Therapy</strong></td>
<td>Treatment provided when two or more members of the family need treatment in order to normalize and stabilize functioning.</td>
</tr>
<tr>
<td><strong>Forensic Therapy</strong></td>
<td>Non-confidential treatment provided by a therapist ordered by the court. It’s common for a forensically informed therapist to write a report for the court.</td>
</tr>
<tr>
<td><strong>Therapeutic Intervention</strong></td>
<td>Treatment and case management often used in therapeutically complex cases or in reunification cases where intervention focuses on supporting the renewal of a relationship between a parent and a child.</td>
</tr>
<tr>
<td><strong>Therapeutic Supervision</strong></td>
<td>Supervision of parent-child contacts provided by a therapist.</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Court Self-Service Center</strong></td>
<td>Provides people who choose to represent themselves in family cases with information and access to reasonably priced forms. The information is intended to help you help yourself through the court system.</td>
</tr>
</tbody>
</table>
WORDS YOU MAY NEED TO KNOW

This is not a list of legal definitions. It has been prepared for use by persons who are not lawyers.

**Access, Visitation, Parenting Time** – Words used to describe the schedule of time that a child has with each parent.

**Alternative Dispute Resolution (ADR)** – Ways to solve legal problems without a trial. Examples include mediation, resolution management conference, or other settlement methods.

**Attachment** – Positive feelings of the child toward parents and other parent figures.

**“Best Interests of the Child”** – When a judge decides a custody or parenting plan issue, the judge decides what would be best for the child based on all the information.

**Bonding** – Close relationship that develops between a young child and a parent or a parent figure.

**Confidentiality** – Private information that cannot be shared with anyone else except as required by law.

**Co-Parenting** – When parents share the responsibility for raising a child even when the parents do not live together.

**Court Order** – A written order made by a judge that must be followed.

**Dissolution of Marriage** – Divorce.

**Domestic Violence** – Domestic violence is legally defined in Arizona in A.R.S. § 13-3601(a) as a criminal act of physical, verbal, or sexual behavior or threats or intimidation by one partner toward another. Significant domestic violence is a factor considered in determining parenting time decisions under A.R.S. § 25-403.03.

**Exchange** – Pick-up and drop-off of a child between parents or other caregivers.

**Family Law** – The laws that relate to family relationships. They include laws about divorce, paternity, custody, parenting plans, property and debt division, child support, spousal support (“alimony”), and other topics. The laws are based on statutes, rules, and reported court decisions.

**Filing** – Giving your legal papers to the Clerk of the Court.

**“Frequent and Continuing Contact”** – How the law refers to children having regular and ongoing contact with parents.

**“Full Custody”** – This is not a legal term defined by law in Arizona. In Arizona, the term is not used and it has no meaning. However, often this term is confused with “sole custody.” (See Sole Custody.)
**Hearing** – A scheduled appearance in court where parents and attorneys may call witnesses and introduce evidence.

**Holiday Plan** – A part of the parenting plan that specifies how children will spend holidays with each parent and defines each holiday so both parents know when the holiday begins and ends.

**Joint Legal Custody** – Both parents share major decision-making for their children. Neither parent can overrule the other parent unless specifically allowed by the parenting plan or by court order. See also **Legal Custody**. (See A.R.S. § 25-402(2).)

**Joint Physical Custody** – The child has roughly the same amount of time and contact with both parents. This does not mean the parents have **Joint Legal Custody**. See also **Physical Custody**. (See A.R.S. § 25-402(3).)

**Legal Custody** – The right of a parent to make major decisions for the children. Major decisions may include medical care, personal appearance, religion, or education. Custody may be either joint with both parents or sole with one parent. (See A.R.S. § 25-402.)

**Maternity** – A legal action that results in a court order naming the child’s mother.

**Mediation** – A meeting with a mediator who helps the parents try to solve problems cooperatively. Mediation may occur face to face or separately, if necessary. Mediation is confidential. The mediator does not tell the parents what they should do or make a recommendation to the court. (See Rule of Family Law Procedure 66.B(4).)

**Mediator** – A trained, neutral third party who helps the parents try to solve problems cooperatively through mediation.

**Modification of Parenting Plan** – Changes to the parenting plan. If agreed to, the changes can be enforced only if they are submitted to and ordered by the court. If the parties cannot agree, one party can request modification by filing a motion with the court.

**Order of Protection** – See **Protective Order**.

**Parallel Parenting** – See “High Conflict” in the Special Issues section on page 58.

**Parenting Plan** – A document that states when the child will be with each parent and how decisions will be made. The parenting plan may be developed by the parents on their own or with the help of a professional such as a mediator, an attorney, or a judge.

**Parenting Time** – The time a child spends with each parent according to a court order.

**Paternity** – A legal action that results in a court order naming the child’s father.

**Physical Custody** – The actual physical residence of the child at any given time. (See and compare **Joint Physical Custody** and **Parenting Time**.)
Primary Residence – The parent’s home
where the child physically resides most of
the time.

Protective Order – Refers to four types of
orders (Order of Protection, Emergency
Order of Protection, Injunction Against
Harassment, Injunction Against
Workplace Harassment) designed to
prevent violence or harassment between
parties. Any court in the state can issue
these special orders without notice to the
defendant. When the orders are set
without notice, hearings must be set
within 5-10 days at the request of the
defendant. (See Rule 1B of the Arizona
Rules of Protective Order Procedure.)

Rules of Court – Court procedures are
controlled by rules. Family law is
controlled by the Arizona Rules of Family
Law Procedure (ARFLP). The ARFLP can
be found at the local law library or at:
http://www.supreme.state.az.us/rules/ra
md_pdf/R-05-0008.pdf. The ARFLP can
also be supplemented by local county
rules.

Sole Custody – When only one parent has the
right to make major legal decisions for the
child. The sole legal custodian may not
change the parenting time of the other
parent without agreement. (See Legal
Custody.)

Stipulation – A formal agreement of the
parties. When it is written and signed by
both parties and then approved by a
judge, it becomes a court order.

Supervised Exchanges – Pick up and drop off
of the child in the presence of another
specified adult.

Supervised Parenting Time – Parenting time
during which the parent and child must
be in the presence of another specified
adult.

Therapeutic Supervision – Supervision of
parent-child contacts provided by a
therapist.

Transition – The adjustment time for parents
and the child immediately before, during,
and after the exchange of the child
between the parents or other caregivers.

Trial – A formal hearing with witnesses and
evidence. (See Hearing.)

Virtual Parenting – Parenting time
facilitated by electronic means to
supplement, not replace, in-person
parenting time. Examples include
telephone calls, web cam,
videoconferencing, instant messaging, on-
line chatting, telephone texting, etc.

Statute – A law passed by the state legislature
(or adopted by initiative). Most code
sections relating to family law are in Title
25 of the Arizona Revised Statutes (A.R.S.)
and are available at the county law library
or on the internet at:
www.azleg.state.az.us/ArizonaRevisedSta
tutes.asp.

Visitation – This term is no longer preferred.
Instead, see Access, Parenting Plan or
Parenting Time.
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Superior Court in Maricopa County

John Rea, Associate Presiding Family Court Judge
Superior Court in Maricopa County

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