



FAMILY RENEWAL RESOURCES PROJECT
parenting forever, through whatever

Family Relations Law

Parenting Plans that Work • Basic Cycles • Vacations • Holidays

This page includes **general** information on the creation of parenting plans that work.

The information on this page is not *legal advice*. The creation of a comprehensive parenting plan can be very difficult, and the assistance of an attorney experienced in the state with jurisdiction over your case may be the difference between a good, workable plan and one that you soon find you just cannot live with.

Parenting Plans That Work

Parents who work together to develop a mutually acceptable plan for parenting their children after divorce can avoid the battles that damage and scar children in an otherwise adversarial process. By working together, parents are better able to include their children in the decision-making process in a way that is healthy and empowering. Children benefit when they can express their feelings, from having a sense that they have a say in their lives and from the knowledge that their parents are listening to them. Only a cooperative atmosphere between their parents allows children the freedom to contribute to the decisions that affect their lives.

Cooperation between parents increases mutual decision-making, and the decreased hostility creates a manifestly healthier environment for the children. Children are less likely to feel conflicted in feelings of divided loyalty and to suffer stress if their parents never do battle. Most important, parents are usually much more satisfied with and willing to follow an agreed upon parenting plan, and this improved satisfaction often leads to an increasingly cooperative relationship between the parents as time passes.

Creating a comprehensive common sense parenting plan is worth the investment, especially in comparison to the alternative of litigation. And, though parenting plans are often quite structured and appear overly complicated (specifying the day-to-day time share of the children, as well as specifying holiday, vacation, and other special family time) there is help available to quickly and easily develop parenting plans that work.

How to Begin Developing a Parenting Plan

All child custody and visitation agreements and orders are divided into two sections, provisions related to legal custody and those related physical custody. Of the two, physical custody, in whose home the children actually live and how much time the children spend with each parent, is the most important aspect to the parents and, consequently, the most contentious and litigated.

That is the reason that well thought out and carefully considered parenting plans are worth their weight in gold. A good parenting plan will not only avoid friction between the parents in the future, it may even keep them out of court. But where does one begin?

Parenting plans contain a hierarchy of three basic components, a basic cycle (the regular routine), vacations, and holidays and special events. Vacations outplace the basic cycle and holidays and special events outplace all other time.

The Basic Cycle

The basic cycle is the regular routine that the parent's most commonly follow in exchanging the children. The basis cycle can start over and repeat every week, every two weeks, every month, or any other time period that is best under the circumstances. Although the most common regular routine is based on a two-week cycle, if one parent has a history of not exchanging the children as agreed or ordered, and if it may be necessary to use law enforcement for the return of the children, a monthly cycle is strongly suggested (if law enforcement can't tell whose parenting time it is, they will not help).

While it would be impossible to describe every parenting plan variation, here are a few of the most common:

Week based cycles:

- Every weekend (a one-week cycle): The low-time parent has the children overnights from Saturday morning to Sunday evening, every weekend.
- Alternating weekends (a two-week cycle): The low-time parent has the children overnights from Friday evening to Sunday evening, every other weekend. A mid-week evening with the children for the low-time parent may be appropriate toward the end of the week just before the other parent's weekend.
- Alternating extended weekends (a two-week cycle): The low time parent has the children overnights from Friday after school to Monday return to school, every other weekend. A mid-week overnight with the children for the low-time parent may be appropriate toward the end of the week just before the other parent's weekend.
- 2-2-5-5 (a two-week cycle, equal parenting time): The children spend two days with one parent, two days with the other, five days with one parent, and five days with the other, then the cycle starts over and repeats. Another way to describe this parenting plan is that one parent has from Monday to Wednesday, the other from Wednesday to Friday, and the parents alternate extended weekends from Friday to Monday.
- Alternating weeks (a two-week cycle, equal parenting time): The children spend one week with one parent and the next week with the other, then the cycle starts over and repeats.

Month based cycles:

- 1st-3rd weekends (a one-month cycle): The low-time parent has the children the first and third weekends of each month.
- 2nd-4th-alternating 5th weekends (a one-month cycle): The low-time parent has the children the second and fourth weekends of each month, and, in months that have five weekends, the parents alternate the fifth weekend of the month.
- 1st-3rd-5th weekends (a one-month cycle): The low-time parent has the children the first, third, and, in months that have five weekends, the fifth weekend of the month.

SPECIAL NOTE: To prevent confusion about when the first weekend is, the first weekend should be defined, such as "*the first weekend of the month is the first weekend with a Saturday.*"

The best parenting plans are adapted to the schedules of the parents and take into account the needs and activities of the children. If one parent has weekends off from work and the other does not, then each parent could have the children on the days that parent is not working. If the children regularly have a sporting event on a day that one parent cannot transport, then the children could be with the other parent. And, so on.

Methods of describing cycles: There are two philosophies to describing the regular routine, both of which are concerned about not creating a "hole" in the parenting plan (a time when you can't tell who the children are to be with). If a plan says that one parent will have the children from after school Monday to return to school Wednesday and the other parent will have the children from after school Wednesday until return to school Monday, there are "holes" because no one has the children during school hours on either Monday or Wednesday.

An easy way to prevent holes is to describe one parent's time with the children and then simply say "the children will be with the other parent at all other times." When there is clearly a low-time and high-time parent, this is usually acceptable. But, when the children are with each parent about equal time, the parent whose time with the children is being described usually complains; both parents generally want "all other times" with the children.

Another way to avoid holes is to describe the time of both parents with the children in a point-to-point manner. A simple example: the children will be with Adam from the end of school Monday to the end of school Wednesday, then with Eve from that time to the end of school Monday, when the cycle starts over and repeats. In this description, the end of one parent's time is the start of the other's, until the repeat.

Here's the rub, with point-to-point descriptions there will never be a hole. But, if there are a lot of exchanges, describing a point-to-point parenting plan can be lengthy and impossible to easily understand. A comparison of the two methods in describing alternating weekends with two midweek evenings will illustrate the tradeoff between the risk of a hole and being able to understand what the plan says:

1. **Point-to Point:** The children will be with Adam from Tuesday at 3:00 p.m. until 6:00 p.m., then with Eve until Thursday at 3:00 p.m., then with Adam until 6:00 p.m., then with Eve until Saturday at 9:00 a.m., then with Adam until Sunday at 6:00 p.m., then with Eve until Tuesday at 3:00 p.m., then with Adam until 6:00 p.m., then with Eve until Thursday at 3:00 p.m., then with Adam until 6:00 p.m., then with Eve until Tuesday at 3:00 p.m., when the two-week cycle starts over and repeats.

2. By Parental Time: The children will be with Adam every Tuesday and Thursday from 3:00 p.m. until 6:00 p.m., and alternating weekends from Saturday at 9:00 a.m. until Sunday at 6:00 p.m.; Eve will have the children at all other times.

Both methods describe this:



Which description is easier to understand, the description by "parental time." Which is more likely to accidentally leave a hole, also the "parental time" description. The decision to use point-to-point or parental time is a tradeoff, the possibility of holes against ease of understanding. But, there is another tool. If a parenting plan is too difficult to understand when described in words, include a graphical representation.

Once parents have been able to agree upon a basic cycle, the hard part is almost always done.

Adding Vacations

When vacations are mentioned, two different types come to mind. The first is the vacation from work, the second is the time children are out of school (usually over the summer months). And, vacations within a parenting plan can describe either or both.

Vacations as time off from work: Annually, most parents have time off from work to vacation, and they usually want to have the children with them. Using two weeks for an example, work related vacations can be described in a parenting plan as simply as *"each parent may take a vacation with the children of up to two weeks"* or *"each parent may take a vacation with the children of up to one week, twice per year."*

When it is likely that conflicts will arise between the parents over who will have what vacation time with the children, a notification provision should be added. Most often, disputes over vacation time are resolved in the parenting plan by either alternating the years (odd and even) in which each parent gets first choice to pick their vacation time or by giving the parent who notifies the other first their choice of vacation time.

Vacations as time out of school: In many situations, the parenting arrangement during the school year takes into account factors such as homework, school activities, and travel time due to the distance between the homes of the parents and schools. But, the importance of these factors almost always goes away when the children are out of school, and a different regular routine may be desirable when school is not in session.

So, how are different in-school and out-of-school cycles blended? To keep consistency for the children and reduce the possibility of confusion for the parents, the first step when integrating

different cycles is to identify a starting point (an exchange day, and time if possible) and a cycle repeat that is common to both cycles. Then, the in-school time is removed and the out-of-school time inserted, in full cycles.

Let's see how it works, blending an alternating weekend in-school basic cycle (from Friday to Sunday) with an alternating week out-of-school cycle. Where the major in-school cycle exchange is Friday, the alternating week cycle should be adapted to that exchange day; both cycles will have a Friday exchange as the common point. The in-school time is removed in two-week blocks, and the out-of-school cycle is inserted.

Mixed vacations: Especially where a vacation from work exceeds one week, parents commonly wish to have a different out-of-school regular routine and traditional "vacation" time with the children. All that is required is for both to be included in the parenting plan.

Holidays and Special Occasions

After the basic cycle, who will have the children on holidays and special occasions is the area of next greatest contention. Which holidays are appropriate for very young children? How should major holidays be divided? The list goes on.

What should be kept in mind is this, infants don't need holidays, parents do. But, as children grow, they participate in holiday events and enjoy that time more and more. And, a good parenting plan integrates this concept.

The best parenting plan will look at the holidays and special occasions to be observed as if the children are older, including how these events will be shared between the parents, then pared those events back to the current ages of the children, keeping the continuity of the long-term plan.

Take Easter, Independence Day, Halloween, Thanksgiving, and Christmas for example. At different ages, working backward, these holidays might look like this:

- Older Teenagers
 - Easter (Spring Break): From after school to return to school, Eve in even years, Adam in odd years.
 - Independence Day: From the morning before to the morning after, Adam in even years, Eve in odd years.
 - Halloween: From the morning before to the morning after, Eve in even years, Adam in odd years.
 - Thanksgiving: From after school to return to school, Adam in even years, Eve in odd years.
 - Christmas (Winter Break): From after school to return to school, Eve in even years, Adam odd years.
- Older Grade School Ages
 - Easter (Spring Break): From after school to return to school, in even years, first half to Eve and second half (including Easter Day) to Adam, reverse in odd years.
 - Independence Day: From the morning of to the morning after, Adam in even years, Eve in odd years.
 - Halloween: From the morning of to the morning after, Eve in even years, Adam in odd years.

- Thanksgiving: From after school to return to school, in even years, first half to Adam and second half (including Thanksgiving Day) to Eve, reverse in odd years.
- Christmas (Winter Break): From after school to return to school, in even years, first half to Adam and second half to Eve, reverse in odd years.
- Young Children
 - Easter: In even years, Saturday to Eve and Easter Day to Adam, reverse in odd years.
 - Independence Day: From the evening of to the morning after, Adam in even years, Eve in odd years.
 - Halloween: From the evening of to the morning after, Eve in even years, Adam in odd years.
 - Thanksgiving: In even years, Wednesday to Adam and Thursday to Eve, reverse in odd years.
 - Christmas: In even years, Christmas Eve to Adam and Christmas Day to Eve, reverse in odd years.
- Infants
 - Easter: In even years, Easter Day to Adam, reverse in odd years.
 - Christmas: In even years, Christmas Day to Eve, reverse in odd years.

What you should take away is that, as the children grow, which parent has the children in odd and even years remains constant, providing consistency for the children, and the parents.

Putting the Parenting Plan Together

Now that the hard part is done, its time to put it all together. The sequence of the provisions is usually:

1. Statement of legal custody.
2. Additional legal custody provisions.
3. Statement of physical custody (frequently omitted).
4. Description of the parenting plan, including the basic cycle, vacations, and holidays and special occasions.
5. Additional physical custody provisions.

So, what are these "additional" legal and physical custody provisions?

As parents consider the plethora of problems that could arise before the children reach adulthood, they should decide upon an appropriate balance between what needs to be ordered and what does not, realizing that asking for a specific provision may give the other parent the impression that they are not trusted or that the parent requesting the provision is trying to pull something over on them. Even so, the most common provisions that should at least be considered are listed below.

Joint Custody Provisions

Joint Custody is where parents share the right to make important decisions for their children. Even then, however, specific orders are generally needed, and may say something like the following:

- The Parties will have joint custody of the minor children.
- "Joint Custody" means joint physical custody and joint legal custody.
- "Joint Legal Custody" means that both parents will share the right and the responsibility to make the decisions relating to the health, education, and welfare of a child.
- "Joint Physical Custody" means that each of the parents will have significant periods of physical custody. Joint physical custody will be shared by the parents in such a way so as to assure a child of frequent and continuing contact with both parents.

Besides the joint custody provisions listed above, sometimes there are other areas of dispute between the parents. Then, other orders may be needed to prevent conflict or resolve disputes.

Legal Custody Provisions

Legal custody, which means who makes important decisions for your children (health care, education, and welfare), is usually the first consideration. Even if the parents will have joint legal custody of the minor children, the following provisions may help clarify what each parent can or can't do. Moreover, just discussing these topics may help identify other areas where the parents need to have specific agreements or orders.

- **How and when parents must confer.** In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters: ☐ Enrollment in or leaving a particular private or public school or daycare center; ☐ Participation in particular religious activities or institutions; ☐ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy; ☐ Selection of a doctor, dentist, or other health professional (except in emergency situations); ☐ Participation in extracurricular activities; ☐ Out-of-country or out-of-state travel; ☐ Other (list). In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.
- **What happens if consent is not obtained.** If a parent does not obtain the required consent of the other parent to the decisions: He or she may be subject to civil or criminal penalties. The court may change the legal and physical custody of the minor children. ☐ Other consequences that should be imposed.
- **Should one parent have a special decision-making designation.** The {party name} will be responsible for making decisions regarding the following matters: ☐ (List). Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children.
- **Access to records about the children.** Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children.
- **Health-care notification.** ☐ Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number): days of the commencement of the first such treatment or examination. ☐ Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must

notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children. [] Both parents are required to administer any prescribed medications for the children.

- **School emergency contact notification.** Each parent will be designated as a person the children's school will contact in the event of an emergency.
- **Name used by the children.** Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.
- **Other.** Any other provisions concerning the health care, education, and welfare of the children that should be added to keep things going smoothly between the parents, such as:

Tattooing, Body Piercing, and Permanent Cosmetics. Neither parent will or allow others to permanently change the appearance of the body of the children, including but not limited to body piercing, tattooing, branding, scarifying, permanent cosmetics, and other cosmetic procedures, without the notarized written consent from the other parent.

1. "Tattooing" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.
2. "Body piercing" means the creation of an opening in the body of the child for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear (even a single opening), lip, tongue, nose, eyebrow, or navel.
3. "Permanent cosmetics" means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

General Appearance. Excluding routine grooming, neither parent will or allow others to alter the child's appearance in a manner that extends into the parenting time of the other parent, including but not limited to cutting or dying of the hair or dying or coloring of any other part of the body.

Physical Custody Provisions

Physical custody, which means in whose home your children actually live, is usually the area that, if inadequate, allows conflict between the parents to persist without either parent being able to effectively solve the problem. Usually, it is better to provide for a future problem than it is to hope it never arises. And, as with physical custody issues, talking in advance about all of the matters together may reduce the risk of the other parent feeling that what is being asked for is pointed at them.

- **Transportation for visitation.** Transportation to the visits will be provided by... Transportation from the visits will be provided by... Drop-off of the children will be at (address)... Pick-up of the children will be at (address)... [] The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices. [] During the exchanges, the parent driving the children will wait in the car and

the other parent will wait in his or her home while the children go between the car and the home.

- **Travel with children.** ...must have written permission from the other parent or a court order to take the children out of ☐ the state of California ☐ the counties of... ☐ other places...
- **Notification of parent's current address.** Each parent must notify the other parent of his or her current address and telephone number within (specify number): ☐ days of any change in his or her ☐ address for ☐ residence ☐ mailing ☐ work. ☐ telephone/message number at ☐ home ☐ work ☐ the children's schools. Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.
- **Notification of proposed move of child.** Each parent must notify the other parent (a specify number) days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
- **Child care.** ☐ The children must not be left alone without age-appropriate supervision. ☐ The parents must let each other know the name, address, and phone number of the children's regular child-care providers.
- **Right of first option of child care.** In the event either parent requires child care for (a specify number) hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.
- **Canceled parenting time.** ☐ If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only (a specify number) minutes before considering the visitation canceled. ☐ In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity. ☐ The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent ☐ and a doctor's excuse is required.
- **Phone contact between parents and children.** ☐ The children may have telephone access to the parents ☐ and the parents may have telephone access to the children at reasonable times, for reasonable durations. ☐ The scheduled phone contact between parents and the children is (specify): ☐ Neither parent nor any other third party may listen to or monitor the calls.
- **No negative comments.** Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the children.

- **No use of children as messengers.** The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
- **Alcohol or substance abuse.** The [party name] may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (specify number): hours prior to or during periods of time with the children [] and may not permit any third party to do so in the presence of the children.
- **No exposure to cigarette smoke.** The children will not be exposed to secondhand cigarette smoke while in the home or car of either parent.
- **No interference with schedule of other parent without that parent's consent.** Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
- **Third-party contact.** [] The children will have no contact with (specify name): [] The children must not be left alone in the presence of the following people: (specify names).
- **Children's clothing and belongings.** [] Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing. [] The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
- **Log book.** The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
- **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.
- **Other.** Any other provisions concerning the health care, education, and welfare of the children that should be added to keep things going smoothly between the parents, such as:

Cancellation and make-up time due to illness. The custodial parent must give the noncustodial parent as much notice as possible if the children are unable to participate in scheduled time with the other parent due to illness [] and a doctor's excuse is required. The noncustodial parent will have additional time with the children equal to the scheduled time missed and may take the additional time at any time by giving (specify number) days notice to the custodial parent. [] But, the additional time cannot be taken during holidays and special occasions or the then scheduled vacation time of the custodial parent.

No Corporal Punishment. Neither parent will or allow others to use corporal punishment as a form of discipline for the child.

Provisions for All Orders

If the parenting plan is to be made a court order, there are certain provisions that are either mandatory or strongly recommended. In California, the following provisions fall within that ambit:

- **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
- **Country of habitual residence.** The country of habitual residence of the child or children in this case is the United States.
- **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

PLEASE BE AWARE, the provisions set out above are merely generalized examples of the types of terms and conditions that may be included in a comprehensive parenting plan. ***This list is not intended to be complete or exhaustive.*** If you are faced with circumstances that need specialized provisions, then you should seek the assistance of competent legal counsel.

Software Solutions

There is a host of software publishers clamoring to get parents to buy their products. Some are very good, and others are extremely poor. It would be impossible to comment on them all, but some guidance can be provided.

Most software applications can initially be broken down into two types, online (meaning internet based) and offline (the software is installed on your computer). Another division can be made by what the software is intended to do, facilitate communications, track time with the children, create schedules and calendars, calculate timeshare, or draft parenting plans and orders. None do it all.

For online service, the following websites may be helpful:

- Kids First
- Optimal

For software to install on your computer, the following publishers may be helpful:

- CustodyXChange
 - Marketing to fathers.
 - Marketing to mothers.
 - Marketing to lawyers.
- Shared Ground

PLEASE KEEP IN MIND, no matter what a software publisher says, a computer program cannot tell the difference between a mother, father, or other type of partner. Any software application can be used to benefit one parent to the disadvantage of the other, but only if the disadvantaged

parent is unprepared or unknowledgeable. There are no tricks OR strategies that only work for one side. But, what you don't know or don't know to consider can and often will hurt your case.

When negotiating any parenting plan, having definite objectives in mind and carefully considering each element of the schedule before making or accepting any proposal will give you the best possible chance for an outcome you can be happy with.