



Child Centered Residential Guidelines[®]





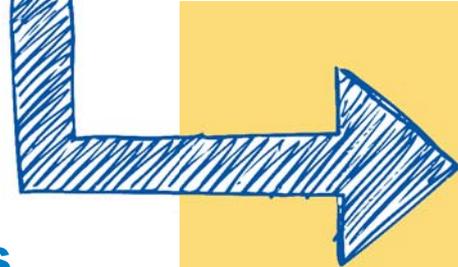
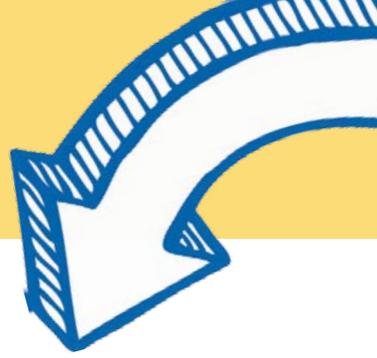


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Introduction



The American Academy of Matrimonial Lawyers[®], under the direction of Past President Alton L. Abramowitz, created a committee charged with developing Child Centered Residential Guidelines. Primarily, these Guidelines seek to fill the void recognized by the current research regarding developmentally and psychologically appropriate parenting plans for children whose parents do not live together, contradicting the generally accepted traditional alternating weekend visitation guideline followed by many courts throughout the country. As most states provide “custody” is to be determined upon a “best interests” standard, President Abramowitz envisioned providing a national model, consistent with the aspirations of the Academy, to assist parents, judges, lawyers, mediators and parent educators in drafting child-centered residential guidelines, focusing on best interests, and as a result reducing parental conflict relating to time sharing of children.¹

The Academy especially thanks the Committee that worked so long and hard at producing these Guidelines, specifically Chair Laura C. Belleau of Arizona, Vice- Chair Louise T. Truax of Connecticut, and the Committee’s advisor and consultant, as well as principal author Robin M. Deutsch, Ph.D. of Massachusetts.

¹ **Appendix A** lists all the states and the statutes regarding custody provisions updated through January 2015.

One of the most difficult challenges for parents at the time of separation is deciding how they will divide responsibility for and time with their children.



The Guidelines are intended to provide research based ideas and solutions in making decisions regarding parenting time when parents do not live together. They provide developmental guidance for parents and those charged with creating parenting plans to assist in making child-friendly agreements, presenting cogent proposals to the Court, and fashioning developmentally appropriate orders. Parents, attorneys and judges as well as mental health providers, mediators and therapists may find these Guidelines useful in resolving parenting time disputes and avoiding disagreements about how much time the child should spend with each parent. At the same time, these Guidelines do not prohibit parents, lawyers, mediators and judges from creating parenting time plans that differ from the sample plans contained here.

The residential provisions for a child are only one of the many aspects in a child centered parenting plan. Parenting plan requirements differ from state to state, and even from county to county in the same state. Some common provisions in a parenting plan include definitions of legal custody or decision making, periodic review of the plan, communication between the parents, and the exchange or transportation of the child in addition to the time sharing of the child. These Guidelines only address the residential provisions of such a plan.²

2 For examples of provisions detailing other issues, see the American Academy of Matrimonial Lawyers® **Model Parenting Plan**.



Children Do Best When...



One of the most difficult challenges for parents at the time of separation is deciding how they will divide responsibility for and time with their children. Unless special circumstances exist, the preservation of ongoing relationships between children and both parents is of greatest importance as children report the loss of one parent as the most negative aspect of divorce.

In addition to providing valuable insights regarding development and time sharing, the research completed over the last decade tells us that without preference to a specific time sharing plan, children do best when parents:

- Are cordial and courteous to each other.
- Help their children have regular contact with the other parent.
- Do not interfere with the other parent's parenting time.
- Maintain a predictable schedule.
- Communicate with one another regarding schedule changes.
- Refer to the other parent in positive or neutral terms.
- Are on time and have children ready at exchange time.
- Exchange the children without arguing and by acknowledging each other.
- Let the children bring important items between homes, such as a special toy, blanket, or other security item.

Children Do Best When...



- Follow similar routines for mealtimes and bedtimes.
- Communicate about rules and discipline.
- Keep their children out of the middle of their disagreements.
- Allow children to attend important family celebrations and events.
- Maintain regularly scheduled activities for the children.
- Provide travel dates, destinations, contact information in writing and in advance.
- Communicate respectfully with each other.

The research is also clear that parents may either directly or indirectly cause distress and harm to their child when:

- A child sees or hears parents fighting.
- A child's parents make a child choose between them.
- A child is hit, pushed or harmed by a parent.
- A child is used to monitor or hurt the other parent.
- The parent does not follow the parenting plan.
- The parent exposes the child to legal proceedings, intentionality or negligent.
- The parent uses a child to help resolve their own personal problems.
- The parent uses the child to carry hostile messages to the other parent.
- The parent asks the child to keep secrets from the other parent.



Family Assessment



The parenting time options contained in these Guidelines allow each family to choose the appropriate plan after considering the unique circumstances of the family and the characteristics of each child in the family. This assessment requires both parents to give careful thought to the considerations below before developing the plan for the family:

- Each parent's relationship with each child, including the ability to understand the child's needs and to be available during his or her parenting time.
- The parents' ability to work together and to communicate with each other about the children's schedules, routines, and needs.
- The child's relationship with each parent: does the child seek comfort and security from the parent and can the parent play with the child and introduce the child to appropriate social and educational experiences.
- The child's age, maturity, and temperament (some children have a temperament that is more difficult and that require fewer transitions and caretaking changes).

Family Assessment



- Each parent's willingness and ability to care for each child consistently including feeding and caring for a baby or young child, preparing and getting a child to school or daycare, and setting age-appropriate expectations and limits for each child.
- Any special needs of the child including developmental, emotional, educational, medical, social and each parent's ability to meet those needs.
- The presence of and relationship with siblings and other household members.
- Each parent's ability to care for child's needs and attend to his or her own mental or physical health issues that may interfere with parenting.
- Logistics regarding schedule, transportation, and exchanges.
- The distance between the parents' households.
- The level and nature of the conflict between the parents. Conflict and/or violence contribute to children's emotional insecurity.



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Developmental Plans



The plans below are designed for parents separating when the child is the stated age³. A parenting plan should be based on a parent's ability and willingness to parent, not on the amount of time they have spent with the child. Parents need to bear in mind that certain schedules that may seem restrictive to one parent may be necessary in light of a child's temperament and adaptability. One area of tension between the parents can be how each parent perceives the needs of the child. Agreeing upon the child's needs is paramount and will benefit the child.

Research does not support any particular parenting plan. Each family needs to consider the age, temperament and special needs of their child, previous caretaking arrangements, and the child's relationship with each parent. Most important is that parents are able to communicate about their child on a regular basis. Parents must share information so that child's experience, as he or she transitions between parents, is as seamless as possible. A child should not be drawn into his or her parents' dispute by being exposed to the conflict or acting as a messenger. A child who knows that he or she is more important than the conflict between his or her parents will be better adjusted than the child who is subject to the chronic disputes and tension between his or her parents.

³ A summary of Possible Parenting Time Schedules is presented in example form found in **Appendix B**.

A NOTE ABOUT TRANSITIONS: Transitions, by their nature, can be difficult for a child, interrupting what he or she is doing or leaving a parent. This difficulty can be further magnified if the child is also exposed to conflict between his or her parents. It is not unusual for a child to resist parenting time or to show sadness or anxiety at transition times. It often helps to drop a child off, rather than pick up, as this signals parental support for the transition and avoids the child's sense of being interrupted and taken away from a parent.

A NOTE ABOUT PLANS: Parenting plans designed for babies and young children will likely need to evolve as the child gets older. Parenting plans for children under three will need to be modified with frequency as the child develops and begins to tolerate absences from a parent. Parenting plans designed to accommodate a parent's employment may need to be modified if a parent changes employment or work schedule.

SCHEDULES FOR FAMILIES WITH CHILDREN OF DIFFERENT AGES:

It is generally best to keep siblings together during parenting time, even if there are differences in age that extend over several years in these guidelines. Parents must decide on a plan that works best for all of their children, even if that plan is not one of the recommended plans for a particular child's age group.

There are circumstances when children cannot be kept together and even some circumstances where that is not in the best interests of the children. When there is a great age difference between siblings, parents may choose to include alone time with each child in the parenting time plan in an effort to recognize the developmental differences between siblings.

Infants (0 to 9 months)

The job of the infant is to develop trust. The parent responds to the infant with food, holding, changing, and soothing and the baby learns to trust that his or her needs will be met. Between two and seven months the process of attachment begins as the baby's needs are consistently and predictably met between both households. The caretakers' attunement to the baby's needs results in healthy attachment and the ability to learn to self soothe. If parents separate during this first nine month period, frequent contact is important for this attachment process to develop. Ideally contact includes opportunities for all caretaking activities, such as feeding, playing, soothing, bathing, and putting the baby to sleep. What is important is that the baby is not stressed by absences or unmet needs. The essential feature for the child is consistent quality care. Parents must have the necessary skills, such as feeding the baby, knowing developmentally appropriate toys, mirroring the baby's efforts to make contact, responding to the baby's smiles and babbles or gestures, and knowing how to soothe the baby.

The baby's needs are best met if parents can communicate with each other about the baby's routine and habits. Communicating about the baby's sleep, feeding and waking cycles, as well as sharing tips about what helps soothe and manage the baby can lead to decreased stress for the baby. The parents should have a communication log which is exchanged after each transition to include information about eating, sleeping, elimination, health, development, and attainment of new milestones. If parents have very different views about these things, are unable to share a routine and the baby is responding poorly to the different caretaking practices and beliefs, it may be better for one parent to have a more limited role during this time period.

At about 8 months of age, babies develop stranger anxiety. They want to be with their preferred and regular caregivers and begin to discriminate between those to whom they are developing an attachment, and others. During this period, babies need to be able to develop at least one, if not two, secure attachments. This requires short separations and a seamless transition between parents/caregivers. If the parents cannot communicate effectively about the baby, and/or if one parent is unable to gain the necessary caretaking skills, consideration should be given to a primary or custodial parent, with frequent short contacts with the non-custodial parent. Babies are sensitive to conflict between their parents during transitions and may become difficult to soothe. A third party may be helpful to transition the baby if parents are unable to do so without conflict.



Overnights may be appropriate if both parents are attuned to the baby's needs, are able to maintain similar schedules and are able to communicate effectively. The duration and frequency of contact will depend upon the non-residential parent's availability, willingness, and attunement to child, as well as the temperament of the child. Parents also need to take into account work schedules and baby's sleeping and eating routines. The baby should be comfortable with both parents and should be able to be soothed by both parents as well.

Ages 9 to 24 months

Between the ages of nine and 24 months there is rapid skill development including motor accomplishments (crawling, standing and walking), talking, deliberate expression of emotions (hugs, kisses, fear, anger and anxiety), and increased understanding of the functions of people and things.

A consistent and predictable schedule of waking, eating, and sleeping is necessary to allow the baby's development of self-regulation and self-soothing. The baby's normal routines should be primary when parents are making a developmental or residential plan. While multiple caretakers can provide this schedule, some babies have more difficulties with multiple transitions and changes. Those babies may do better with one primary caretaker and frequent contacts with the other parent.

Developing a parenting plan for toddlers is dependent on four factors: (1) the ability of each parent to be attuned and responsive to the baby's needs; (2) the baby's temperament; (3) the amount of involvement with the baby including caretaking routines and functions such as feeding, bathing, playing, soothing, getting ready for bed, and waking; and (4) the baby's increasing development which includes ability to self-regulate, and to understand that when someone is out of sight they still exist. As with the 0 to 9 month olds, overnights may be appropriate if both parents are attuned to the baby's needs, are able to maintain and communicate similar schedules for the baby, and are able to soothe the baby. The duration and frequency of contact will depend upon the non-residential parent's availability, willingness and attunement to child, as well as temperament of the child. Parents also need to take into account work schedules and baby's sleeping and eating routines.

If one parent has less parenting time, there should be opportunities to participate in feeding, playing, bathing, and sleeping times. To further the relationship, there should be contact between the parent and baby every few days, gradually increasing the length of separation from the primary parent as the baby tolerates. As with infants, a communication log is essential. This log, whether hand-written or emailed, should include information about eating, sleeping, elimination as well as health, developmental changes and new milestones.

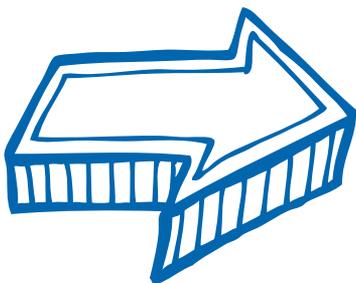
24 months to 3 years of age

Toddlers are more independent as they develop more control over their environment through walking and talking. They have an increased capacity for observation and imitation. They can ask for what they want to get their needs met, and can see themselves as separate from a parent. They have better memory and are able to tolerate longer separations from a parent. They try to explore their environment, always returning to their caretakers, who provide security and continuity.

Toddlers are very sensitive to conflict between their parents and may have fears of separation, become clingy, and show stress. If separations are too long, toddlers may show less independence, less interest in exploring their environment, and/or exhibit behavioral problems. If older siblings are present, toddlers often see them as part of their security system.

Toddlers need predictable and consistent routines. They need to have clear structures that help them develop a sense of limits to help them feel safe and secure. Managing their emotions, allowing for improved self-regulation and soothing follow from safety and security. While being closely supervised, they need opportunities for exploration and independence.

Parents of toddlers need to cooperate and share information through a log or email exchange about the child's eating, sleeping, health, and activity issues.



If parents have shared in the caretaking arrangements, the child has an easy temperament, or there are older siblings sharing a similar schedule, parenting time can be evenly shared as long as the separations from each parent are not too long (no more than two to three days or two nights for example).

If the child has some trouble with transitions, is not particularly adaptable or flexible, or if the parents are unable to effectively communicate with each other about the child, it makes sense for the child to have a primary home with one parent and frequent contact, including some overnight visits, with the other parent (for example three contacts during the week, made up of one or two 4 to 6 hour blocks and one or two nonconsecutive overnights).

If one of the parents has not established the parenting skills necessary to effectively and safely manage a toddler, frequent contacts can be initiated for shorter periods of time without overnights, until the parent has adequate experience parenting their toddler (for example two or three 4-hour blocks extending after a period of time).

Examples of Parenting Plans:

(Blue represents Custodial Parent. Yellow represents Non-Custodial Parent)

24 Months to 3 Years of Age: WEEKLY CONTACTS with No Overnights

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1		4-6 HOUR		4-6 HOUR		4-6 HOUR	
Week 2			4-6 HOUR		4-6 HOUR		4-6 HOUR

24 Months to 3 Years of Age: WEEKLY CONTACTS Including Overnights

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1				4-6 HOUR			
Week 2					4-6 HOUR		

24 Months to 3 Years of Age: 2 Days/1-2 Overnights

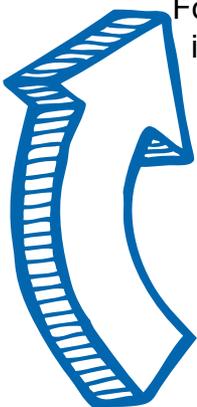
	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1							
Week 2							

Preschoolers (ages 3 to 5)

Preschoolers find security in their routines. Their social networks are expanding to include other children, teachers, and families. They are learning to interact with others and to increasingly understand rules of social engagement. Their play and interactions often involve efforts to feel powerful.

Preschoolers are prone to fears and anxiety and may have nighttime fears. They may have difficulties with separations or transitions, but can generally calm down and settle in. Preschool children are alert to the moods and tension of their caregivers and because they feel powerful, they may blame themselves for the anger, unhappiness, or anxiety of their parent.

Preschoolers can tolerate longer absences from a parent but a child's temperament and the pre-separation parenting arrangements must be considered. Transitional objects, such as a favorite toy, stuffed animal, or blanket, moving between the two homes can help a preschooler manage sadness and anxiety.



For this age, when both parents have been involved in parenting and the child manages transitions adequately, approximately equal time can work (for example continue a 2-2-2 plan or a 2-2-3 plan). If the child has trouble with transitions, or is not particularly adaptable, or one parent has less time available, parents may design a plan that accommodates both parent and child's needs (for example alternating two night weekends and one other overnight during each week). If a parent was minimally involved in parenting and/

or the parent-child relationship is not well established, the goal is to improve the relationship by building contact (utilizing the plans defined in the 24 month to 3 years of age are appropriate for example, beginning with two or three 4-hour blocks of parenting time per week, building to a longer block which includes an overnight).

Preschoolers: Ages 3-5, 2-2-3 Plan

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1	Yellow	Blue	Blue	Yellow	Yellow	Blue	Blue
Week 2	Blue	Yellow	Yellow	Blue	Blue	Yellow	Yellow

Preschoolers: Ages 3-5, 2-2-2 Plan

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1	Blue	Blue	Yellow	Yellow	Blue	Blue	Yellow
Week 2	Yellow	Blue	Blue	Yellow	Yellow	Blue	Blue
Week 3	Yellow	Yellow	Blue	Blue	Yellow	Yellow	Blue
Week 4	Blue	Yellow	Yellow	Blue	Blue	Yellow	Yellow

Early School Age Children (ages 6-9)

Six to nine year old children are engaged with friends, activities, and school, resulting in more experiences with others and separations from family. They can more easily understand and manage differences in parenting styles and blocks of time away from each parent due to their now developed understanding of time. A child this age needs a parent's permission to see his or her other parent, and because they can understand another point of view, they will react if they believe a parent is unsettled or anxious about their time away with either feelings of guilt, fear, anxiety, or even anger. Having a transitional object or picture of the other parent in each home may be helpful. Early school age children respond to rules and can respond to a consistent and predictable schedule if the plan is presented that way, and if by its nature, does not create stress for the child.

A child this age is seeking experiences that help develop a sense of competence, such as participation in sports, art, music, and peer relationships. When his or her parents are in conflict, the sense of competence may be affected. It is important to protect a child from conflict between their parents and transitions at neutral places (such as school) can be helpful in this regard.

There are many plans appropriate for this age group. When one parent has been minimally involved in parenting, it is still a good idea for the child to have one overnight each weekend and a dinner or few hours each week. That schedule can expand after a transition period to alternate weekends and a midweek visit. If a parent wants to be involved but their work schedule does not allow for equal parenting, alternate weekends from Thursday or Friday after school until Monday

morning is an option. If parenting has been shared equally, children this age can spend half a week with each parent, or have two weekdays with each and alternate the weekends (for example, Monday and Tuesday with one parent, Wednesday

Early School Age Children: Ages 6-9, Alternate Weekend/Midweek

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1				Dinner or Overnight			
Week 2				Dinner or Overnight			

Early School Age Children: Ages 6-9, Expanded Weekend/Midweek

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1							
Week 2				Optional dinner or overnight			

Early School Age Children: Ages 6-9, Expanded Weekend/Shared Weekday

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1							
Week 2							

*Early School Age Children: Ages 6-9, Ages 6-9, 5-5-2-2;
Weekday Shared/Alternate Weekends*

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1							
Week 2							

and Thursday with the other). Another appropriate option is one parent may have a Thursday until Monday morning one week and Wednesday and Thursday the second week. Whatever the parenting plan, it needs to be consistent and provide the child a time and place for schoolwork, friendships, and other activities.

Later School-age Children (ages 10-12)

Later school-age children are even more independent and separate increasingly from their parents. They are focused on developing competence in activities, skills, and experiences, which creates confidence. Though rule bound like the younger school-aged children, they are now contemplating moral issues and can consider another point of view. A child this age is vulnerable to alignment with one parent. A child this age may also focus on “being fair” regarding time sharing with each parent.

Parenting plans for a child this age must take into consideration the child’s activities and friendships, which are increasingly important. Participation in sports, plays, religious and other regular activities must be maintained in both homes. Parents must follow the child’s interests and make reasonable decisions accordingly.

Parenting plans defined in earlier age groups are appropriate and if parenting has been shared and the parents are able to maintain and support the child’s commitments, parenting

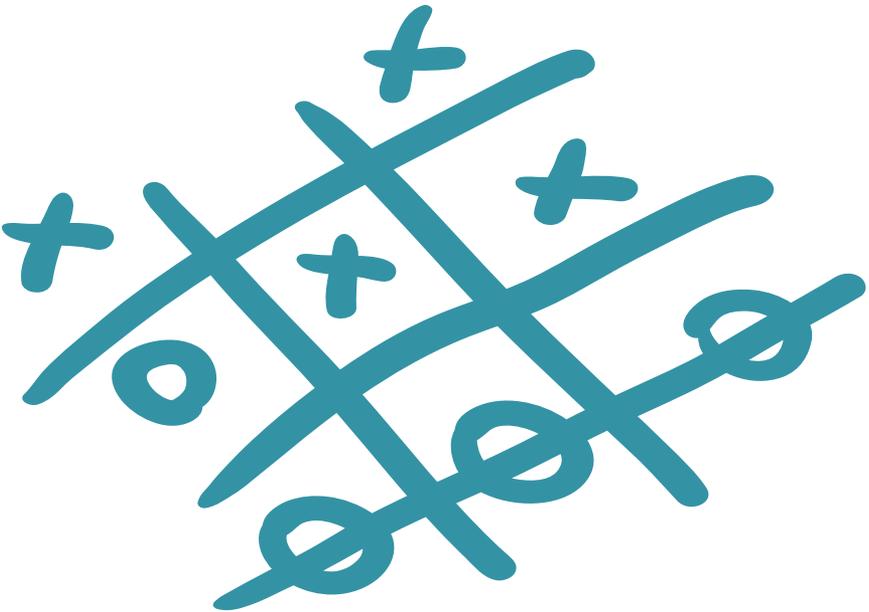


plans can range from a 5-5-2-2 to, by the time the child is in 6th or 7th grade, an alternate week plan. If a substantially equal parenting time is not appropriate or will not work, the

parenting plan can range from alternate weekends with one evening visit during the school year with shared parenting in the summer, to long weekends with school to school transitions and midweek contact. Helping the child develop increased competence and independence while providing predictability and stability is paramount.

Later School Age Children: Ages 10-12; Alternate Week Plan

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Week 1							
Week 2							



Adolescents (ages 13 to 18)

The task of the adolescent is to develop his or her own identity separate from the family, while, of course, maintaining a healthy connection to his or her family. For the younger adolescent, 13 to 15, the family is still the main source of support and nurturance. While peers, school, and activities are very important and the focus of day-to-day life, parents provide the guidance and the support adolescents need to develop critical decision making skills. The task of parents during these adolescent years is to increasingly give up control and help the adolescent anticipate risks and practice decision making. At the same time parents cannot give up monitoring their adolescent or negotiating and enforcing rules.

Parents of adolescents have a particularly challenging job in maintaining flexibility and setting clear enforceable limits. Parents must be mindful of the teen's social relationships and activities while balancing family time. As the adolescent gets older, his or her activities take more and more priority. Parents must keep lines of communication with their adolescent and each other open, maintain clear

rules about safety and respect, and be able to communicate with each other so that risks to their teen are minimized. Cooperative co-parents of teens are modeling good problem solving and relationships.

When parents are unable to effectively and respectfully communicate with each other as needed, vulnerable teens may be more susceptible to unsafe risk taking behaviors and poor emotional adjustment.



A variety of time-sharing schedules will work for adolescents. As teens reach age 16, they need to provide more input into the plan and the parents need to be flexible to accommodate the teenager's activities (including school, extra-curricular, and employment) as well as his or her social life. Some of a parent's valuable time with an adolescent is transporting to activities and attending events.



Some older adolescents need and request that they maintain a base in one home with a traditional alternating weekend schedule. Others want to divide their time with each parent alternating weeks or even two-week periods, to limit transitions and disruptions. In the latter plan, if a parent does not see their teenager at events or activities, they may schedule a weekly dinner or other type of contact during their non-residential week. It is critical that the parents and adolescent are clear where and under whose supervision and authority the teen is at all times. Summer schedules need to be developed after the adolescent's summer plans for employment, camp, and activities are established.



Holidays, Vacations & School Breaks



Holidays

Holidays generally take precedence over the regular schedule and vacations. Parents need to consider religious and non-religious holidays when determining the holiday schedule. To the extent possible parents should initially consider honoring family traditions in order to maintain consistency for the children. When a holiday is shared, parents should be mindful of the number of transitions and distance between the parents' homes.

Some parents alternate religious holidays and Thanksgiving each year. Other parents spend specific holidays year after year with the children. Parents need to also consider Mother's Day, Father's Day, children's birthdays and parent birthdays when making the holiday schedule.

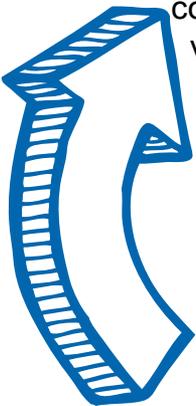


Civil holidays are often on a Monday and parents may attach them to the existing weekend schedule or alternate the holiday weekends each year. If parents have an alternating weekend schedule and the weekend does not fall during the regular schedule, then parents may consider swapping the weekend before or after so that each parent has two weekends in a row and the alternating schedule is maintained.

Vacations

Parents should each be able to schedule uninterrupted vacation time with their children. However, for children ages 0-2, vacation time should be consistent with the parenting time schedule for children. Younger children, under age 5, may find it stressful to be away from the other parent for as long as a week. Vacation time for young children should be dependent upon the age and temperament of the child, the ability of the other parent to visit in the middle of vacation, and the extent of the shared parenting. Once a child reaches age 6, parents often have two nonconsecutive vacation weeks with their children, being mindful that vacation should not interfere with the other parent's holiday time. As children develop and mature, consecutive weeks are possible. For older teens, that have jobs or other significant commitments, parents should plan their vacations around the teen's schedule.

Often parents alternate each year which parent chooses vacations first. Any agreement should have dates by which the summer vacations are determined, to avoid last minute conflict. Specific details about the number of vacation days, the start and end day of the vacation, and other notifications are helpful. If parents travel, a full itinerary including flights, destination, and contact information should be provided to the other parent well in advance of the trip. It is often a good idea for parents to contact each other when he or she arrives at the destination. Parents should also be mindful of whether their child needs contact with the other parent while on vacation, or



whether the contact will be disruptive. Agreements about vacation details should be written so they apply equally to each parent.

School Breaks

As with holidays, parents should determine what school breaks are to be included in the parenting time plan. Some parents choose to alternate or split school holidays or vacation days. Others follow the regular parenting schedule. A process for transition back to the regular parenting schedule should also be considered if a child will be away from either parent for an extended period of time due to the school break.





Long Distance Parenting



Children benefit when parents reside within a reasonable distance of one another in order to insure regular contact between the children and both parents. Long distance parenting is challenging and requires planning and creativity to lessen the impact of the distance on the parent/child relationship.

The length and frequency of parenting time in the non-residential parent's home shall depend on many factors, including the age of the children, the relationship between the parent and child, the child's temperament, the financial resources of the parents, and the distance between the parents' homes. To the extent possible, parenting time at the non-custodial parent's home should be at times that don't significantly interfere with a child's school and significant activities.

Despite the distance between homes, and to the extent it is financially feasible, parenting time should occur in both locales so the non-custodial parent can be involved with a child's important activities and school life.

Opportunities for virtual parenting exist so the non-custodial parent can have regular contact with the child, assist in establishing routines, reading stories, singing song and playing games. For older children, a non-custodial parent may assist with homework and discuss the news of the day. When one parent lives away, it is important for the residential parent to not only facilitate this type of contact with the non-custodial parent but also to send weekly updates about the child's school performance, activities and development.



Special Considerations



Breast Feeding

Many mothers will want to follow the American Academy of Pediatrics recommendations breast feeding for infants (exclusively for the first six months, and with the introduction of other foods through the first year).

However, following the recommendation need not interfere significantly with the other parent's parenting time. Breast feeding should not be used to stop parenting time, and the non-breast feeding parent should be flexible regarding the need of the baby to nurse. A parent can feed an infant expressed milk, particularly after nursing routines are established.

If parents have different views regarding this topic, a consultation with the child's pediatrician may be of assistance.

Special Needs

Both parents must understand the health, mental health and special needs of the child and agree upon the appropriate interventions including doctors, therapists, treatment providers and special education services. In these cases, it is imperative the child is not the messenger regarding his or her treatment and diagnosis. The parents must manage the treatment (unless it is appropriate for an

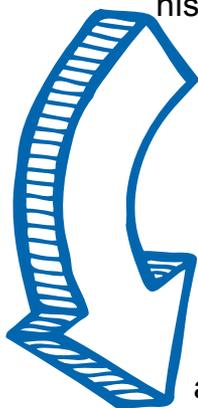
older child to manage his or her treatment) and be careful not to put the child in the middle. Parenting time must accommodate for the child's special needs, if required.

Parents must communicate about the sharing of medication and other equipment required to assist in the child's care. When parents are able to cooperate regarding their child's special needs, both parents should participate in doctor appointments and school meetings regarding care and treatment.

Visitation Resistance

When parents initially separate it is sometimes difficult for a child to transition from home to home. However, if both parents support the child through active encouragement and limit setting, and not allow the child to make decisions, a child will generally adjust and settle into the plan.

There are times when a child resists parenting time due to legitimate reasons, including the temperament of child, historically difficult interactions between parent and child, inappropriate demands on the child, documented history of abuse, or exposure to violence. Where there are serious concerns, parents should put in place interventions to address the parenting issues and the parent/child relationship.



A child may also resist parenting due to contrived or magnified concerns regarding a parent that may be supported by the non-rejected parent. In cases where the concerns are

unsupported or exaggerated, early and ongoing Court intervention is imperative to halt the conduct of the parent and to provide immediate consequences for the violation of court orders.



Never Married Parents/Significant Separation

These guidelines are intended to apply to all families, regardless of marital status. When a child is born and his or her parents are not married to each other, paternity must be legally established. This process varies state by state but this legal impediment does not mean unmarried parents should not work together to establish a parenting plan that is in the child's best interests, consistent with considerations and the developmental guidelines stated in previous sections of these Guidelines. Parenting time between a non-married parent and a child can commence upon the birth of the child.

Regardless of marital status, when there has been little contact between a child and a parent, the parties may consider a gradual increase in the time between the parent and child until the child feels comfortable with the parent and/or the parent has acquired the necessary parenting skills. It is important that the parents maintain flexibility considering the child's age, development, and ability to transition, when creating a parenting plan, especially if the length of absence has been great. The child's emotional needs in adjusting to having a new parent involved in his or her life should be paramount in determining an appropriate plan.

Domestic Violence



In some families, contact between the parents has resulted in violence. A child should not be exposed to violence as it causes severe harm. Parenting plans in these families should include provisions to protect the child including transitions in neutral places and limited contact between the parents.

In some situations where one parent is perpetrating coercive, controlling violence over the other in order to dominate their partner or to instill fear, the parents should not be developing their own plan. Rather, parenting plans should be Court mandated. Specifically, the Court should consider including provisions for support services for the victim and child, interventions for the perpetrator, conditions to be met regarding perpetrator's contact with the child, and consequences for violating orders.

Substance Abuse/Mental Illness

Parents with a mental illness, including substance abuse, that adversely affects parenting (substance abuse and mental illness adversely affects parenting when a parent is emotionally unavailable and is unable to adequately discipline and set limits or provide a safe environment for the children) may need to consider alternate parenting arrangements. Such alternative arrangements may include therapeutic intervention, supervised parenting time, or otherwise limited parenting time until the concerns have been satisfactorily addressed. Protocols must be put in place for ongoing or periodic monitoring and for a resumption or gradual increase in parenting time.

To the extent that parents with a mental illness or substance abuse issue are compliant with their treatment plan and/or parenting is not affected, regular parenting time can be established or resume.

Incarcerated Parents

More than one in every 100 adults is confined in jail or prison and as a result, there are more and more children finding themselves with one or both parents being incarcerated at some point during their minority. An incarcerated parent is still a parent to a child and in many cases the child has a legal right and an emotional need to remain in contact with the parent, especially if the parent/child relationship was strong prior to the incarceration.

The needs of the child are far different than the parent who must facilitate parenting time with an incarcerated parent. Parenting time must be determined on a case by case basis, after considering the length of the prison term, the degree of parent-child bonding before incarceration, the distance from the child's home to the prison, the security restrictions at the prison, as well as the ages and developmental needs. An in-person visit may be appropriate. Parents should continue to encourage written and telephonic contact when an in-person visit is not appropriate.

Same-Sex Relationships

There are occasions where a parent becomes involved in a same sex relationship. Certain states have indicated that to be a reason to change custody to the heterosexual parent. However, a majority of states do not believe it to be a reason, in isolation, to change physical custody of a child. There is little to no research to support a contention that a homosexual parent inappropriately influences a child's gender role concept.

The focus, when one parent is in a same-sex relationship, is the effect of that relationship on the child. To the extent the other parent has been hurt by the revelation of the same-sex relationship, that hurt should not be transferred to the child. The other parent should encourage the child's relationship with the parent in the same-sex relationship. Failure to do so could implicate issues of visitation resistance.

Military Parenting

Care must be taken to provide for contact between parents in the military and their children. Typically, a military parent who is deployed may be gone for several months to a year or longer. Many states address these issues by statute. To every extent possible, the child should be encouraged to engage with the military parent via Facetime, Skype or any other method of communication. Any parenting plan should provide for immediate parenting



time when the military parent comes home on leave. If the military parent is likely to be deployed again, the child should spend as much time, as he or she feels comfortable, with the military parent during the parent's leave.



Glossary of Terms

ADR - Alternative Dispute Resolution - Ways to resolve legal issues without court hearings and a trial. Examples of ADR include mediation, resolution management, and settlement conferences. These processes can take place with or without attorneys.

Attachment - A relationship between two people that involves a desire for contact with that person and the experience of distress during separation from that person. It is the foundation for lasting relationships.

Attunement - The act of placing yourself in the shoes of the child and responding to the child's needs.

Best Interests of the Child - A legal term applied by courts and defined by statutes and case law as the standard to determine custody/parenting time for children. The factors the Court must consider in making this decision vary from state to state.

Co-Parenting - The way parents share responsibilities for parenting their children. It can be Cooperative Co-Parenting, Parallel Co-Parenting or Conflictual Co-Parenting.

Court Orders

Final Court Orders - Orders entered by the Court at the end of the case either after a trial, hearing or settlement. The words used by the Court to indicate a final order vary from state to state and include Decree, Judgment, Order, Final Order.

Protective Court Orders - Orders obtained by a party to prevent violence and harassment between the parties.

Temporary Court Orders - Orders made by the Court while a case or final decision is pending.

Court Rules - Court procedures are controlled by Rules. Every state has different rules that control the family law divisions of the Court. Often, a county has local rules litigants must follow in addition to the state rules.

Custody - The right of a parent to make major decisions for the children (legal custody) and/or the right of a parent to spend time with the children (physical custody). Legal custody can be sole or joint, in one parent or in both parents. There are times when the legal custody for some issues may be with one parent and with the other parent for different issues.

Domestic Violence - A criminal act of physical, verbal or sexual behavior or threats and intimidation by related persons or persons residing in the same household. It is defined by state statute.

Mediation - The process by which parents meet with a trained third party to solve their problems cooperatively. The parents may meet together and/or separately for one or many sessions.

Parenting Plan - A document, usually filed with the court, that defines both the custody and the parenting time of the child.

Parenting Time - The time a child spends with each parent. Parenting time may be referred to as visitation.

Paternity/Maternity - An action between unmarried persons that results in the biological parents being legally named as a child's parents. The procedures for the establishment of paternity and maternity are different in every state.

Statutes - The laws of the state which govern the substantive issues before the Court.

Stipulation - An agreement of the parents/parties that is written and submitted to the Court.

Substance Abuse - A pattern of use of a drug or alcohol that harms self or others, resulting in impaired functioning.

Supervised Parenting - A form of parenting time in which parenting time is observed and supervised by another person, usually an agency or court approved facility that reports back to the Court. This can include the following:

Supervised Exchanges - The process by which the drop off and pick up of the child occur in the presence of another person, usually an agency or court approved facility but can be someone agreed to by the parties.

Therapeutic Supervision/Therapeutic Parenting Time - The process by which parenting time is assisted by a trained therapist.

Temperament - The features of personality that are seen immediately upon birth or in the first few weeks and are innate. The features are not the result of learning or environment.

Visitation - Another term for parenting time, but usually used when parenting time is limited or supervised.

Appendix A

Alabama: Ala.Code 1975 § 30-3-152

Alaska: AS § 25.20.090

Arizona: A.R.S. §25-403

Arkansas: A.C.A. § 9-13-101

California: West's Ann.Cal.Fam.Code § 3011

Colorado: C.R.S.A. § 14-10-124

Connecticut: C.G.S.A. § 46b-56

Delaware: 13 Del.C. § 722

District of Columbia: DC ST § 16-914

Florida: West's F.S.A. § 61.13

Georgia: Ga. Code Ann., § 19-9-1

Hawaii: HRS § 571-46

Idaho: I.C. § 32-717

Illinois: 750 ILCS 5/602

Indiana: IC 31-17-2-8

Iowa: I.C.A. § 598.41

Kansas: K.S.A. 23-3203

Kentucky: KRS § 403.270

Louisiana: LSA-C.C. Art. 134

Maine: 19-A M.R.S.A. § 1653

Maryland: MD Code, Family Law, § 5-203

Massachusetts: M.G.L.A. 208 § 31

Michigan: M.C.L.A. 722.27a

Minnesota: M.S.A. § 518.1705

Mississippi: Miss. Code Ann. § 93-5-24.

Missouri: V.A.M.S. 452.310

Montana: MCA 40-4-234

Nebraska: NE LEGIS 219 (2015), 2015 Nebraska Laws L.B. 219

Nevada: N.R.S. 125.480

New Hampshire: N.H. Rev. Stat. Ann. § 461-A:4

New Jersey: NJ R CH DIV FAM PT R. 5:8-5

New Mexico: N. M. S. A. 1978, § 40-4-9.1

New York: New York Domestic Relations Law § 240

North Carolina: N.C.G.S.A. § 50-13.2

North Dakota: NDCC, 14-09-30

Ohio: R.C. § 3109.04

- Oklahoma:** 43 Okl.St. Ann. § 109
- Oregon:** O.R.S. § 107.102
- Pennsylvania:** 23 Pa.C.S.A. § 5331
- Rhode Island:** Gen.Laws 1956, § 15-5-16
- South Carolina:** Code 1976 § 63-15-220
- South Dakota:** SDCL § 25-4A-10
- Tennessee:** T. C. A. § 36-6-404
- Texas:** V.T.C.A., Family Code § 153.007
- Utah:** U.C.A. 1953 § 30-3-35 and 30-3-35.5
- Vermont:** 15 V.S.A. § 665
- Virginia:** VA Code Ann. § 20-124.3
- Washington:** West's RCWA 26.09.184
- West Virginia:** W. Va. Code, § 48-9-205
- Wisconsin:** W.S.A. 767.41
- Wyoming:** W.S.1977 § 20-2-202

Appendix B

Summary of Possible Parenting Time Schedules

Plan	Description	Page Number	24 Months – 3 years	Preschool	Early School Age	Later School Age
1	Three periods of 4-6 hours spaced throughout the week. No overnights.		X	X		
2	One period of 4-6 hours and two non-consecutive overnights each week.		X	X	X	
3	Equal time sharing and child isn't away from either parent more than two consecutive overnights.		X	X	X	
4	Equal time sharing with two days/overnights with one parent followed by two days/overnights with the other parent followed by three days/overnights with the other parent, continuing over time.			X	X	X
5	Equal time sharing with two days/overnights with one parent followed by two days/overnights with the other parent, continuing over time.			X	X	X
6	One midweek dinner or overnight and three consecutive overnights every other weekend (Friday through Monday morning).				X	X
7	Five consecutive overnights in week one from Wednesday to Monday morning, followed by one optional midweek dinner or overnight in week two.				X	X
8	Four consecutive overnights in week one from Thursday to Monday morning, and two additional overnights in week two.				X	X
9	Equal time sharing with five consecutive overnights with one parent, followed by five consecutive overnights with the other parent. Then two consecutive overnights with one parent, followed by two consecutive overnights with the other parent.				X	X
10	Alternating weeks.					X



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