Marion County
Supplemental Local Court Rule 8.075

Model Parenting Plan

1. Introduction

A "Parenting Plan" is a scheduling guide for parents who do not live together. Ideally, a parenting plan is agreed to by both parents and then approved by the court. The court strongly believes that, whenever possible, parents should develop their own plan, which is why the court will (in most cases) require parents to meet with a mediator who will help them develop a plan. If the parents cannot agree on a plan, the court will order a plan that the court believes will best serve the children. This Model Parenting Plan is one that may be agreed to by both parents or ordered by the court if the parents cannot agree on a plan.

This model plan is not intended to be a "one size fits all" plan, but it does cover many of the scheduling and parenting issues the court believes a parenting plan should address. For some families, the entire model plan may be appropriate. For other families, portions of the plan may not be best. The court recognizes that families come from a wide range of ethnic, religious and cultural backgrounds. The model plan should be viewed as a starting point that reflects what the court has found works best for most families most of the time. This plan provides the family with a clear written schedule that the family can rely on if there is a disagreement about parenting time.

The parenting plan adopted by the court must be followed. Parents can and should be flexible in exercising their parenting time even after a parenting plan is adopted and formalized in a court order. However, permanent changes to the plan, even those agreed to by the parties, will not be enforced by the court unless the change is put into the form of a court order. A court form for that purpose can be obtained at the Marion County courthouse or found at:

http://courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Forms.aspx

This Model Parenting Plan may not be suitable when there are safety concerns due to drugs, alcohol, or domestic violence. In those cases, parents should look at the information and forms available at:

http://courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Parenting-Plans.aspx

This Model Parenting Plan is part of a local court rule known as "Rule 8.075." Rule 8.075 has been changed many times over the years. This version does not automatically replace existing plans written when earlier versions of the rule were in effect. **This version of Rule 8.075 is effective only for plans adopted in court orders dated on or after February 1, 2016.**

2. **Definitions and Explanations:**

"Child" includes all of the children.

When the court adopts this plan, one parent will be designated in the court order as having sole custody, unless the parents agree to joint custody. The parent with sole custody, or the parent with whom the child will spend most overnights when the parents have joint custody, is referred to in this plan as the "residential parent." The other parent is referred to as the "nonresidential parent."

This plan uses 6:00 p.m. for the parenting time exchanges unless the transitions are to occur at school, in which case the exchange will be when school gets out for the day. Where there is a conflict in this schedule, exchange times on special days or events (like birthdays and holidays) control over the regularly scheduled exchange times.

The public school schedule where the residential parent lives will be the schedule followed in this plan unless the child attends a private school that has a different schedule. The public school schedule will be followed when a provision in the plan refers to "school" even if a child is too young to be in school or is home schooled.

Parents should not assume that the court will use this schedule in a contested case as the minimum amount of parenting time that the court will order. The court could order more time or less time, depending on the facts of the specific case. The nonresidential parent has the right to have as much parenting time as both parents agree. The residential parent has the parenting time that is not allocated to the nonresidential parent.

For many portions of this plan, parents can choose an alternate option that is different from the standard provision. **The standard provision will apply unless the box for the alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision will not apply. Optional provisions are not the same as alternate provisions and will apply only if the box is checked.** Additional or different provisions may also be attached to this plan on a separate piece of paper.

3. **Parenting Time Schedule.**

3.1 **School Year Schedule**. The child shall be with the nonresidential parent in accordance with the following schedule. The residential parent shall have the child at all other times:

Standard

3.1.1 **Alternating Weekend Schedule (ending Monday morning).** The child shall be with the nonresidential parent on alternating weekends beginning on Friday when school recesses (or the time school normally gets out if there is no school on Friday) and ending at the beginning of school the following Monday morning. If there is no school Monday, the weekend parenting time continues until the first morning school resumes.

□ *Alternate 3.1.1*

3.1.1 **Alternating Weekend Schedule (ending Sunday evening)**. The child shall be with the nonresidential parent on alternating weekends beginning on Friday when school recesses (or the time school normally gets out if there is no school on Friday) and ending at 6:00 p.m. on Sunday evening. If there is no school Monday, the weekend parenting time continues until 6:00 p.m. on the day before school resumes.

□ *Alternate 3.1.1*

3.1.1 **Rotating Weekly Schedule.** The child shall be with the nonresidential parent on a rotating weekly schedule, as follows:

Week 1: Beginning after school on Thursday (or the time school normally recesses, if there is no school on Thursday) and ending at the beginning of school the following Monday morning. If there is no school Monday, the weekend parenting time continues until the first morning school resumes.

Week 2: Beginning after school on Thursday (or the time school normally recesses, if there is no school on Thursday) and ending at the beginning of school on Friday morning (or the time school normally recesses if there is no school on Friday). There shall be no makeup for a missed Thursday overnight, as the nonresidential parent has the child every Thursday overnight during the school year.

Standard

3.1.2 **Alternating Mid-Week Schedule.** *(Note: This provision will not apply when the parents have chosen the rotating weekly schedule option.)* During the school year, the child shall be with the nonresidential parent on alternating Wednesday evenings beginning when school recesses and ending at 8:00 p.m. the same evening. If there is no school on that day, the parenting time shall begin at 10:00 a.m. and end at 7:30 p.m. the same day. The first alternate Wednesday shall follow the nonresidential parent's first weekend with the child in September each year. The nonresidential parent shall provide all of the transportation for this Wednesday parenting time.

□ *Alternate 3.1.2*

3.1.2 **No Alternating Mid-Week Schedule.** There will be no alternating Wednesday evening parenting time.

3.2 **Yearly Rotation.** The alternating weekend/rotating weekly parenting time schedule above shall rotate each year so that one parent does not have the same weekends every year.

3.2.1 In *even-numbered years*, the nonresidential parent's first weekend shall begin at 4:00 p.m. on the Friday of Labor Day Weekend and end at 6:00 p.m. on Monday night.

3.2.2 In *odd-numbered years*, the nonresidential parent's first weekend shall begin on the first Friday following the Labor Day Weekend.

3.3 **Holidays, Events and Vacation Days.** *(Note: This schedule does not specifically list all school holidays, such as Martin Luther King's Birthday, Presidents' Day, Memorial Day, etc., because those holidays are already addressed and divided by rotating the alternating weekend/rotating weekly parenting time schedule each year - see paragraph 3.1.2 above).* The holiday/vacation schedule below has priority over the regular school year schedule, even if the holiday/vacation schedule results in one parent having three weekends in a row. Both parents shall share vacation and holidays with the child as follows:

Standard

3.3.1 **Easter Sunday. T**he parent regularly having the child under the school year schedule shall have the child on Easter.

□ *Alternate 3.3.1*

3.3.1 **Easter Sunday (Overnight).** The child shall be with the nonresidential parent on Easter Sunday in *even-numbered years* and with the residential parent in *odd-numbered years*. This period shall begin at 9:00 a.m. on Easter Sunday and end Monday morning. The parent exercising this parenting time shall provide transportation to begin and end this time. *This Easter Sunday provision takes priority over spring vacation if there is a conflict.*

□ *Alternate 3.3.1*

3.3.1 **Easter Sunday (During the Day).** The child shall be with the nonresidential parent on Easter Sunday in *even-numbered years* and with residential parent in *odd-numbered years*. This period begins at 9:00 a.m. and ends at 6:00 p.m. on Easter Sunday. The parent exercising this parenting time shall provide transportation to begin this time and the other parent shall provide transportation to end this time. *Easter Sunday takes priority over Spring Vacation should there be a conflict.*

Standard

3.3.2 **Spring Vacation (evenly divide vacation each year).** Whichever parent has the weekend prior to spring vacation shall continue to have the child until noon on the

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

Wednesday of Spring Vacation. At that time, the other parent shall have the child through the remainder of Spring Vacation until school resumes.

□ *Alternate 3.3.2*

3.3.2 **Spring Vacation (alternate majority of vacation each year).** The child shall be with the nonresidential parent for the majority of Spring Vacation in *odd-numbered years.* The child shall be with the residential parent for the majority of Spring Vacation in *even-numbered years*. This period shall begin at 4:00 p.m. on the Sunday after school recesses and ends at 4:00 p.m. on the Friday before school resumes. The alternating weekend/rotating schedule shall remain in effect, which means that a parent will be able to add his or her weekend to either the beginning or the end of the Spring vacation period in accordance with the alternating weekend schedule. ***The alternating mid-week parenting time option shall not apply during Spring Vacation if that would otherwise be in effect .***

□ *Alternate 3.3.2*

3.3.2 **Spring Vacation (alternate entire vacation each year).** *(Note: choosing this option usually results in one parent having the child three weekends in a row.)* The child shall be with the nonresidential parent for Spring Vacation in *odd-numbered years.* The child shall be with the residential parent in *even-numbered years*. This period shall begin at 6:00 p.m. on the day school adjourns for Spring Vacation and end at 6:00 p.m. on the day before school resumes. ***The alternating weekend/rotating weekly schedule and alternating mid-week parenting time shall not apply during Spring Vacation.***

Standard

3.3.3 **Mother's Day and Father's Day**. The child shall be with Mother on Mother's Day each year beginning at 9:00 a.m. and ending at 9:00 a.m. on Monday morning. The child shall be with Father on Father's Day each year beginning at 9:00 a.m. and ending at 9:00 a.m. on Monday morning.

□ *Alternate 3.3.3*

3.3.3 **Mother's Day and Father's Day**. No special provision is made for Mother's Day and Father's Day.

Same sex parents should discuss and decide between themselves how they want to deal with these parents' days.

Standard

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

3.3.4 **Summer Vacation (Alternating one-week blocks).** The child shall spend alternating one-week blocks of time with each parent during Summer Vacation. The parent who otherwise would have the child on the first weekend after school recesses for the summer shall have the first alternating week during the summer schedule. The child will spend the following week with the other parent, and the parents will continue to alternate weeks for the remainder of the summer. The exchanges shall occur at 6:00 p.m. on Fridays. The summer schedule ends at 6:00 p.m. on the Friday of Labor Day Weekend, even if this cuts short a parent's one-week block of time. The provisions of paragraph 3.1.2 describe which parent will have the child over the Labor Day Weekend. ***The School Year schedule shall not apply during Summer Vacation.***

□ *Alternate 3.3.4*

3.3.4 **Summer Vacation (extended one week periods during each of the summer months).**

Non-Residential Parent: The child shall be with the nonresidential parent for one uninterrupted seven (7) overnight periods in each of the months of June, July, and August. The alternating weekend/rotating weekly parenting schedule in paragraph 3.1.1 shall remain in effect for the remainder of the summer. The seven (7) night block shall begin at 4:00 p.m. on Friday of the nonresidential parent's second weekend with the child during the specified month unless the parties agree on a different week. The second weekend of the month is the second weekend that both Saturday and Sunday fall within the new month. For example, if Saturday is in the old month and Sunday is in the new month, the first weekend for the new month will be the following weekend.

Residential Parent: The child shall be with the residential parent for two (2) uninterrupted seven (7) overnight periods during the months of June, July, and August. The residential parent is entitled to take these periods back-to-back, which means that parent will have the child for 14 uninterrupted overnights. The residential parent must notify the nonresidential parent of the dates for the two seven-overnight periods (or one 14-overnight period) in writing no later than May 1. The residential parent's two seven-overnight periods (or one 14-overnight period) may not conflict with the nonresidential parent's extended time periods in July or August. The residential parent's time shall begin on a Friday and end on a Friday, which means that parent may, but is not required to, add the regular weekend with the child to either the beginning or the end of the time with the child.

□ *Alternate 3.3.4*

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

3.3.4 **Extended Time (extra parenting time spread throughout the entire year).**

Non-Residential Parent: The child shall be with the nonresidential parent for an extended seven (7) overnight period during the months of February, March or April (depending on Spring Vacation), May, July, August, and October. This period replaces the traditional "summer vacation." The nonresidential parent shall have the child in March if Spring Vacation is in April or in April if Spring Vacation is in March. The alternating weekend/rotating weekly parenting schedule in paragraph 3.1.1 shall remain in effect for the remainder of the summer. The extended week shall begin on Friday of the nonresidential parent's second weekend with the child during the specified month unless the parties agree on a different week. The second weekend of the month is the second weekend that both Saturday and Sunday fall within the new month. For example, if Saturday is in the old month and Sunday is in the new month, the first weekend for the new month will be the following weekend.

Residential Parent: The child shall be with the residential parent for two (2) uninterrupted seven (7) overnight periods during the months of June, July, or August. The residential parent may take these periods back-to-back, which means that parent will have the child for 14 uninterrupted overnights. The residential parent must notify the nonresidential parent of the dates for the two seven-overnight periods (or one 14-overnight period) in writing no later than May 1. The residential parent's two seven-overnight periods (or one 14-overnight period) may not conflict with the nonresidential parent's extended time periods in July or August. The residential parent's time shall begin on a Friday and end on a Friday, which means that parent may, but is not required to, add the regular weekend with the child to either the beginning or the end of the time with the child.

Standard

3.3.5 **Fourth of July.** The parent regularly having the child on the Fourth of July under the Summer Vacation schedule shall continue to have the child.

□ *Alternate 3.3.5*

3.3.5 **Fourth of July.** The child will be with the nonresidential parent for the Fourth of July in *odd-numbered years*. The child shall be with the residential parent in for the Fourth of July *in even-numbered years*. This period shall begin at 4:00 p.m. on July 3 and end at 4:00 p.m. on July 5. The parent exercising this parenting time shall provide transportation to begin this time and

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the other parent shall provide transportation to end this time. *This Fourth of July provision takes priority over the Summer Vacation schedule if there is a conflict.*

3.3.6 **Halloween.** The child will be with the nonresidential parent on October 31 in *odd-numbered years*. The child shall be with the residential parent on October 31 in *even-numbered years.* This period shall begin at 5:30 p.m. and end at 9:00 p.m. the same day. Halloween shall not apply once a child turns 12-years-old.

Standard

3.3.7 **Thanksgiving (no change in weekend schedule).** The child will be with the nonresidential parent for the Thanksgiving holiday in *odd-numbered years.* The child shall be with the residential parent in *even-numbered years*. This period shall begin at the school's normal recess time (even though there may not be school that day) on the Wednesday before Thanksgiving Day and end at 4:00 p.m. on the Friday after Thanksgiving Day. The parent having Thanksgiving shall keep the child until 6:00 p.m. on Sunday night (or until Monday morning if a parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings) if it is that parent's weekend to have the child on the normal alternating weekend/rotating weekly schedule described in paragraph 3.1.1 above

□ *Alternate 3.3.7*

3.3.7 **Thanksgiving (through weekend).** The child shall be with the nonresidential parent in *odd-numbered years*. The child shall be with the residential parent in *even-numbered years*. This period shall begin at the school's normal recess time (even though there may not be school that day) on the Wednesday before Thanksgiving Day and end at 6:00 p.m. on the Sunday following Thanksgiving Day. The parent having Thanksgiving shall keep the child until 6:00 p.m. on Sunday night (or until Monday morning if a parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings).

Standard

3.3.8 **Winter Vacation (alternate entire Vacation with exchange on December 25).** The child shall be with the nonresidential parent in *even-numbered years* beginning on the day that school recesses for Winter Vacation and ending at 2:00 p.m. on December 25. The child shall be with the residential parent for the remainder of Winter Vacation period until school resumes. The child shall be with the residential parent in *odd-numbered years* beginning on the day that school recesses for Winter Vacation and ending at 2:00 p.m. on December 25th. The child shall be with the nonresidential parent for the remainder of the Winter Vacation period until 6:00 p.m. on the day before school resumes (or on the day school resumes if the nonresidential parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings). *The alternating weekend/rotating weekly schedule and alternating mid-week schedule shall not apply during Winter Vacation.*

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

□ *Alternate 3.3.8*

3.3.8 **Winter Vacation (alternate entire Vacation with exchange on December 26).** The child shall be with the nonresidential parent in even-numbered years beginning on the day that school recesses for Winter Vacation and ending at noon on December 26. The child shall be with the residential parent for the remainder of Winter Vacation period until school resumes. The child shall be with the residential parent in *odd-numbered years* beginning on the day that school recesses for Winter Vacation and ending at 2:00 p.m. on December 26. The child shall be with the nonresidential parent for the remainder of the Winter Vacation period until 6:00 p.m. on the day before school resumes (or on the day school resumes if the nonresidential parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings). *The alternating weekend/rotating weekly schedule and alternating mid-week schedule shall not apply during Winter Vacation.*

□ *Alternate 3.3.8*

3.3.8 **Winter Vacation (alternate December 23 through 25).** The child shall be with the nonresidential parent in even-numbered years beginning at 6:00 p.m. on December 23 and ending at 9:00 p.m. on December 24. The child shall be with the residential parent beginning at 9:00 p.m. on December 24 and ending at 6:00 p.m. on December 25. The child shall be with the residential parent in odd-numbered years beginning at 6:00 p.m. on December 23 and ending at 9:00 p.m. on December 24. The child shall be with the nonresidential parent beginning at 9:00 p.m. on December 24 and ending at 6:00 p.m. on December 25. *The regular school year parenting schedule shall continue during Winter Vacation with this special time taking precedence over any conflict that may exist with that schedule.*

Standard

3.3.9 **Birthdays.** No special provision is made for birthdays as they can usually be celebrated on a day other than the actual birthday.

□ *Alternate 3.3.9*

3.3.9 **Birthdays.** Birthday time on a school day shall begin when school recesses for the day and end at 8:00 p.m. Birthday time on non-school days shall begin at 10:00 a.m. and end at 6:00 p.m. the same day. "Special days" described in this rule take priority over birthdays. For example, Thanksgiving takes priority over a parent's or child's birthday that occurs during the Thanksgiving holiday.

Child's Birthday: The child shall be with the residential parent in *even-numbered years*. The child shall be with the nonresidential parent in *odd-numbered years*.

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

Residential Parent's Birthday: Always with residential parent, at the residential parent's option.

Nonresidential Parent's Birthday: Always with the nonresidential parent, at the nonresidential parent's option.

3.3.10 **School Furlough and Teacher In-Service Days.** School furlough and teacher in-service days on which the child has the "day off" from school shall be treated as a holiday and added to a parent's scheduled time when the oldest child enters the first grade. If the furlough or in-service day is adjacent to (either immediately before or immediately after) the nonresidential parent's weekend, that day shall be added to the nonresidential parent's weekend. The extension of a parent's scheduled time by adding furlough or in-service days applies to all holidays except for Thanksgiving. For example, a parent's Spring Vacation may be extended if the child's school has designated days immediately before or following Spring Vacation as furlough days.

3.3.11 **Snow Days**. If school is delayed or cancelled for weather reasons, the parent who had the child the night before will keep the child until school resumes and shall be responsible for taking the child to school when school resumes. The other parent can begin the weekend early should school be cancelled on the day immediately before that weekend.

3.3.12 **Other Holidays.** All additional parenting time for holidays, religious activities and observances or special occasions (such as regularly scheduled family reunions) shall only become an enforceable part of this plan if the parents put it in writing and attach it to this plan at the time the court adopts this plan.

4. **Rules For Use Of Parenting Time.** The following rules shall apply to the use of parenting time:

4.1 **Personal Plans**. Neither a parent's nor the child's personal plans justifies a parent's failure to follow this parenting time schedule.

4.2 **Delivery and Pick Up**. All parenting time must take place in a prompt manner.

4.2.1 **Timing.** Pick up and delivery must occur no more than 15 minutes before or 15 minutes after the time set for parenting time to begin and end. It is the responsibility of the parents to arrive for exchanges on time. This 15-minute window does not mean that the time ends at (for example) at 6:15 p.m. instead of 6:00 p.m. The 15-minute window is designed to take into account only exceptional or unusual circumstances that might prevent a parent from being on time.

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

Standard

4.2.2 **Transportation (provided by receiving parent).** The child shall be picked up from the school by the receiving parent if that parent's time with the child begins on a school day. The child shall be picked up by the receiving parent outside the front door of the other parent's residence if the parenting time begins on a non-school day. The parent with the child shall transport the child to school.

□ *Alternate 4.2.2*

4.2.2 **Transportation (mostly provided by nonresidential parent).** The nonresidential parent shall pick up the child from school if that parent's time with the child begins on a school day. The nonresidential parent shall pick up the child outside the front door of the other parent's residence if that parent's time with the child begins on a non-school day. The nonresidential parent shall return the child to school or daycare if that parent's time ends on a school day or to the front steps of the residential parent's residence if that parent's time ends on a non-school day.

4.2.3 **Other People Authorized to Provide Transportation.** A person known to the child such as a grandparent, step-parent, live in girl\boyfriend, etc., may transport the child at the request of a parent. If requested, the other parent must cooperate in providing authorization to the school or daycare providers. Any person transporting the child (including a parent) must have a valid driver's license. A vehicle being used to transport the child must be insured and have seat belts and child safety seats when required by Oregon law. A parent is not required to allow a child to be transported if these requirements are not complied with.

4.3 **Child's Activities.** Each parent has the right to visit with the child at school, attend the child's school activities (such as parent-teacher conferences, open house or sports activities), and have full access to information about the child. Each parent is responsible for informing themselves about the child's activities or events (such as conferences or field trips) that are scheduled by the school.

4.3.1 There are certain ongoing activities (sports teams, music lessons, youth activity meetings, etc.) that by their very nature occur each week and that may take place during both parents' scheduled parenting time. The residential parent has the right to register the child for ongoing activities, but must not schedule those activities in a manner that substantially interferes with the right of the nonresidential parent to exercise his or her scheduled parenting time. A parent who signs the child up for an activity must provide the other parent with the schedule for that activity. Each parent is encouraged to use his or her best effort, and to work with the other parent, to keep the child involved in athletic events, school functions, lessons, birthday parties of friends, etc., even though those activities may fall during a parenting time period.

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

4.3.2 If a child's activities allow for leadership or participation by a parent (such as coaching or attending a field trip) and the residential parent does not take that role, the nonresidential parent has the first option to do so, rather than a spouse or boyfriend/girlfriend of the residential parent. The residential parent shall take no action that interferes with this provision, such as withdrawing the child from the activity in which the other parent is involved.

4.3.3 There are always unexpected events in which a child should participate even though the event occurs during the other parent's time. Funerals, weddings of close relatives, major (not regularly scheduled) family reunions, a large and special birthday celebration for a grandparent, etc., are examples. Each parent shall use his or her best efforts to assure that a child is able to participate in such unexpected events.

4.4 **No Shows and Make-Ups**. Only a child's health justifies postponement of parenting time. The illness of one child does not mean that another child's time with the nonresidential parent is also postponed. Makeup time will occur on the following weekend if a child is ill and unable to visit for a scheduled weekend. There will be no makeup parenting time if the nonresidential parent misses a scheduled parenting time for any other reason. The residential parent shall avoid scheduling non-urgent medical appointments during the nonresidential parent's time.

4.5 **Clothes**. The nonresidential parent must maintain a supply of basic clothing (socks, underwear, shirts, pants, etc.) for the child. The residential parent must provide the child with specialized clothing (coats, bathing suits, special party clothes, etc.) for the time he or she will be with the nonresidential parent. This does not mean that the residential parent must purchase specialized items at the nonresidential parent's request. A parent who signs a child up for an activity is responsible for providing any required clothing, such as uniforms or sports shoes. Each parent shall return all clothing that a child came with. If clothing is soiled or damaged, the parent who the child was with when the clothing was soiled or damaged is responsible for cleaning, repairing or replacing the item of clothing.

4.6 **Writing and Telephoning**. Each parent has the right to correspond with the child during reasonable hours without monitoring by the other parent or anyone else. The correspondence may take the form of letters, email, video-conferences, text messaging or telephone calls.

4.6.1 Unless the court has ordered otherwise, each parent shall provide their home (not just mailing) address, home, work and cellular telephone numbers, and a contact email address to the other parent.

□ *Optional*
4.6.2 Unless otherwise agreed, there shall be no more than three telephone calls per week and those calls shall not last past 8:00 p.m.

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

□ *Optional*

4.6.2 Unless otherwise agreed, there shall be no more than one telephone call per day to the child. The calls shall terminate at least one-half (½) hour prior to the normal bedtime set by the parent with whom the child is then with.

□ *Optional*

4.6.2 The residential parent and the nonresidential parent shall both download *Skype* or a similar video-conferencing program onto their home computers, or make available to a child that parent's mobile device with video call capabilities (e.g., FaceTime on an iPhone). The parents shall set a regular time for these calls.

4.7 **Changes to the Parenting Schedule.** The parents are encouraged to be flexible and work together to agree to changes to this plan as their children get older or family circumstances change. Each parent shall be flexible in arranging dates and times with the child so important family events and the child's activities are maintained with minimal disruption or hard feelings.

5. **Parental Responsibilities**. The following rules shall apply regarding the custodial relationship and each parent's responsibilities to the child.

5.1 **Mutual Respect Toward the Other Parent**. The following rules of common courtesy shall be strictly enforced. Anything less than full compliance will create conflict and cause harm to the child, something that each parent and the court is committed to preventing.

5.1.1 Neither parent shall make bad nor unflattering comments about the other parent or in any way try to diminish the love, respect and affection that the child has for the other parent.

5.1.2 Each parent shall at all times treat the other parent with respect when they are together (whether or not the child is present) or when the other parent is not present but third parties and the child are present.

5.1.3 Neither parent shall speak in a negative manner about the other parent to the child.

5.1.4 Neither parent shall question a child about the other parent’s activities or relationships.

5.1.5 Neither parent shall ask a child to keep a secret from the other parent.

5.1.6 Neither parent shall use the child to send messages between parents. Parents shall communicate directly with each other or through a mutually agreed-upon adult third-party.

5.1.7 A parent should give the other parent a courtesy telephone call if exceptional circumstances occur that interfere with this schedule. For example, a car breakdown that

delays a child's transition to the other parent, a call advising that the child is ill and might not be able to transition to the other parent the following morning, etc.

5.2 **Child's Input.** A child is not permitted to determine whether he or she visits the nonresidential parent. However, older teenagers are often involved in their own activities and are unable (or unwilling) to spend time with their parents on a regular schedule as they did when they were younger. Both parents shall be considerate of older teenagers and recognize that they wish (and need) to spend more time with their peers rather than their parents. Both the nonresidential parent and residential parent may need to make adjustments to accommodate these life changes.

5.3 **Exchanging Parenting Information**. Parents must make plans and exchange information directly with each other rather than through the child.

5.4 **School Attendance.** The child shall attend school unless excused for medical reasons, an emergency (such as a funeral), the school, the court, or both parents.

5.4.1 Unless the residential parent and the nonresidential parent otherwise agree, the parent at whose home the child slept the night before an illness is responsible for staying home with that child the next day if the child is too ill to return to school or daycare.

5.4.2 All school registration forms shall reflect the name, address and telephone number of both parents.

□ *Optional 5.4.3*
5.4.3 The child shall not be home schooled without the written consent of both parents.

5.5 **The Other Parent's Privacy.**

5.5.1 Neither parent shall enter the other parent's home without that parent's permission. Neither a child, nor a childcare provider, has the authority to invite a parent to enter the other parent's home.

5.5.2 A parent shall not direct a child to enter the other parent's home to take possession of any item other than items that the child needs for that parenting time, and even then only after trying to contact the parent to arrange a time for the missing item to be picked up or delivered. For example, the child may have forgotten medication, sports gear or homework. Non-essential items such as a video game, music CD, a DVD, etc., are not items that justify a child entering one parent's home during the other parent's time with that child without advance permission to do so.

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

5.6 **Daily Care**. Each parent is responsible for the child's primary care while the child is with that parent. Unless the parents have joint custody, the nonresidential parent may not make medical or dental decisions and appointments for the child unless there is an emergency.

5.6.1 The nonresidential parent's right to make reasonable decisions regarding the child's care during his or her parenting time does not include giving the child haircuts or making any other substantial changes in the child's appearance (i.e., tattoos, piercings, etc.) without the written consent of the other parent.

5.6.2 When possible, parents are encouraged to maintain consistency between their households regarding the child's routines. However, decisions about bedtime, hygiene, minor disciplinary actions, curfew, chores, allowances, what clothing is allowed to be worn, etc., may be different in each parent's home. Neither parent is required to follow the other parent's rules on these issues.

5.6.3 Each parent shall administer medications to the child in accordance with instructions given by the child's health care providers, including prescription and over-the-counter medications and comply with any food/dietary restrictions prescribed by the child's health care providers.

□ *Optional 5.6.4*

5.6.4 Neither parent shall allow a child to undergo cosmetic surgery, get a tattoo, marry, or enlist in the armed services without the other parent's written consent.

5.7 **Daycare**. Each parent shall be responsible for arranging daycare for a child during his or her time with the child. No child under the age of 11 shall be left unsupervised.

5.8 **Support of Parenting time**. Neither parent shall discourage a child from spending time with the other parent. Oregon law does not allow a child under the age of 18 to choose which parent they want to live with.

5.9 **Parenting Time is Independent From Support**. The nonresidential parent's right to spend time with the child is not dependent on the payment of child support. The denial of parenting time may not be used to encourage the payment of support.

5.10 **Religious Freedom**. Each parent shall have the right to involve the child in that parent's religious belief and practices during that parent's time with the child. The child shall have the right to make his own religious choices as the child matures.

□ *Optional 5.11*

5.11 **Step-parents.** Step-parents and live-in spousal equivalents are not to assume primary parenting responsibilities over the child. Their role is limited to assisting a parent in

creating a supportive environment for the child. Issues regarding the child are to be dealt with by his or her parents, not by a parent in one household and a step-parent in the other.

5.12 **Mediation.** The parents are encouraged to attempt to resolve parenting disputes through mediation.

6. Parenting Time – Children Birth Through Age 3

The first three years of a child's life are critical for their future health, happiness, and growth. Parents ending their relationship during this time in their child's life face difficult choices about what schedule will work best for their child. Parents who have a child this age are *strongly* encouraged to review the "Birth through Three Guide. The handbook includes:

The standard provision will apply unless the box for an alternate provision is checked. If a box is checked, that alternate provision will control and the standard provision *will not* apply. *Optional* provisions are not the same as alternate provisions and will apply only if the box is checked.

Information about attachment and its importance in early development.

The importance of each parent in a child's life.

Overnights for young children and things to think about when deciding on overnights.

Signs of distress in young children and the difference between normal and concerning responses to stress.

Sample parenting time plans.

A copy of the handbook can be downloaded from the Oregon Judicial Department's Statewide Family Law Advisory Committee website at:

http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Birth%20through%20Three%20Guide%2009-2014%20FINAL.pdf

It is also available in Spanish at:

http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Birth%20through%20Three%20Guide%2009-2014%20FINAL_Spanish%20FINAL.pdf

7. **Long Distance and Out-Of-State Parenting Time Suggestions:**

The parenting plan outlined in this rule is practical in terms of time and distance for parents who live within 60 miles of each other. The schedule may not work for parents who live more than 60 miles apart. It is not possible to write a standard parenting schedule for parents who live a long distance from each other because each situation is different.

The State of Oregon has sample parenting plans available online that can be reviewed and completed by parents who need a long distance parenting plan. Those plans are guides only and do not set a maximum or a minimum amount of time that a child will spend with each parent.

http://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/familylaw/mediumldparentingplanformtabtest6savablefinal10-7-08.pdf

The State of Oregon's suggested "**Medium Distance**" schedule is suggested for parents who live at least 60 and not more than 180 miles apart from each other.

http://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/familylaw/mediumldparentingplanformtabtest6savablefinal10-7-08.pdfhttp://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/familylaw/attachment4a-mediumdistanceschedulетabtest2savablefinal.pdf

The State of Oregon's suggested "**Long Distance**" schedule is suggested for parents who live 180 miles or more apart from each other.

> http://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/familylaw/attachment4b-longdistanceschedule tabtest2savablefinal8-08.pdf

A court-ordered parenting plan is binding on both parents until a court orders otherwise. A parent who is moving to a different location has the obligation to make sure the parenting plan is adjusted in a manner that is fair to the child and the other parent.

Additional information on writing a parenting plan, including sample provisions, is available through the State of Oregon at:

> http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/pages/parentingplan.aspx

A “Parenting Plan” is a scheduling guide for parents who do not live together. Ideally, a parenting plan is agreed to by both parents and then approved by the court. The court strongly believes that, whenever possible, parents should develop their own plan, which is why the court will (in most cases) require parents to meet with a mediator who will help them develop a plan. If the parents cannot agree on a plan, the court will order a plan that the court believes will best serve the children. This Model Parenting Plan is one that may be agreed to by both parents or ordered by the court if the parents cannot agree on a plan.

This model plan is not intended to be a “one size fits all” plan, but it does cover many of the scheduling and parenting issues the court believes a parenting plan should address. For some families, the entire model plan may be appropriate. For other families, portions of the plan may not be best. The court recognizes that families come from a wide range of ethnic, religious, and cultural backgrounds. The model plan should be viewed as a starting point that reflects what the court has found works best for most families most of the time. This plan provides the family with a clear written schedule that the family can rely upon if there is a disagreement about parenting time.

The parenting plan adopted by the court must be followed. Parents can, and should, be flexible in exercising their parenting time even after a parenting plan is adopted and formalized in a court order. However, permanent changes to the plan, even those agreed to by the parties, will not be enforced by the court unless the change is put into the form of a court order. A court form for that purpose can be obtained at the Marion County courthouse or found at:

http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/pages/flpacket4.aspx#C

This Model Parenting Plan may not be suitable when there are safety concerns due to drugs, alcohol, or domestic violence. In those cases, parents should look at the information and forms available at:

http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/Pages/parentingplansafety.aspx

This model parenting plan is part of a local court rule known as “Rule 8.075." Rule 8.075 has been changed many times over the years. This version does not automatically replace existing plans written when earlier versions of the rule were in effect. **This version of Rule 8.075 is effective only for plans adopted in court orders dated on or after December 31, 2015.**

1. **Definitions and Explanations:**

"Child" includes all the children.

When the court adopts this plan, one parent will be designated in the court order as having sole custody, unless the parents agree to joint custody. The parent with sole custody, or the parent with whom the child will spend most overnights when the parents have joint custody, is referred to in this plan as the “residential parent.” The other parent is referred to as the “non-residential parent.”

This plan uses 6:00 p.m. for the parenting time exchanges unless the transitions are to occur at school, in which case, the exchange will be when school gets out for the day.

The public school schedule where the residential parent lives will be the schedule followed in this plan, even if a child is too young to be in school or is home schooled.

Parents should not assume that the court in a contested case will use this schedule as the minimum amount of parenting time that the court will order. The court could order more time or less time depending on the facts of the specific case. The non-residential parent has the right to have as much parenting time as the parties agree. The residential parent has the parenting time that is not allocated to the non-residential parent.

Where there is a conflict in this schedule, exchange times on special days or events (like birthdays and holidays) control over the regularly scheduled exchange times.

For many portions of this plan, parents can choose an option that is different from the standard provision. **The standard provision will apply unless the box for a different option is checked**. **If a box is checked, that option will control and the standard provision will not apply**. Additional or different provisions may also be attached to this plan on a separate piece of paper.

2. **Parenting Time Schedule**:

2.1 **School Year Schedule**. During the school year, the non-residential parent shall have the parties' child in accordance with the following schedule. The residential parent shall have the parties' child at all other times.

Standard 2.1.1 **Alternating Weekend Schedule [ending Monday morning]**. The non-residential parent shall have the parties' child on alternating weekends beginning on Friday when school recesses (or the time school normally gets out if there is no school on Friday) and ending at the beginning of school the following Monday morning. If there is no school Monday, the weekend parenting time continues until the first morning school resumes.

☐*Optional* 3.1.1 **Alternating Weekend Schedule [ending Sunday evening]**. The non-residential parent shall have the parties' child on alternating weekends beginning on Friday when school recesses (or the time school normally gets out if there is no school on Friday) and ending at 6:00 p.m. on Sunday evening. If there is no school Monday, the weekend parenting time continues until 6:00 p.m. on the day before school resumes.

☐*Optional* 3.1.1 **Rotating Weekly Schedule**. The non-residential parent shall have the parties' child on a rotating weekly schedule, as follows:

Week 1: Beginning after school on Thursday (or the time school normally recesses, if there is no school on Thursday) and ending at the beginning of school the following Monday morning. If there is

no school Monday, the weekend parenting time continues until the first morning school resumes.

Week 2: Beginning after school on Thursday (or the time school normally recesses, if there is no school on Thursday) and ending at the beginning of school on Friday morning (or the time school normally recesses if there is no school on Friday). There shall be no make-ups for a missed Thursday overnight, as the non-residential parent has the child every Thursday overnight during the school year.

Standard

2.1.2 **Alternating Mid-Week Schedule**. (*Note*: This provision will not apply when the parents have chosen the rotating weekly schedule option.) During the school year, the non-residential parent shall have the parties' child on alternating Wednesday evenings beginning when school recesses and ending at 8:00 p.m. the same evening. If there is no school on that day, the parenting time shall begin at 10:00 a.m. and end at 7:30 p.m. the same day. The first alternate Wednesday shall follow the non-residential parent's first weekend with the child in September each year. The non-residential parent shall provide all of the transportation for this Wednesday parenting time.

☐*Optional*

3.1.2 **No Alternating Mid-Week Schedule**. The non-residential parent shall not have alternating Wednesday evening parenting time.

2.2 **Yearly Rotation**. The alternating weekend/rotating weekly parenting time schedule above shall rotate each year so that one parent does not have the same weekends every year.

2.2.1 In *even-numbered years*, the non-residential parent's first weekend shall begin at 4:00 p.m. on the Friday of Labor Day Weekend and end at 6:00 p.m. on Monday night.

2.2.2 In *odd-numbered years*, the non-residential parent's first weekend shall begin on the first Friday following the Labor Day Weekend.

2.3 **Holidays, Events and Vacation Days**. (*Note:* This schedule does not specifically list all school holidays, such as Martin Luther King's Birthday, Presidents' Day, Memorial Day, etc., because those holidays are already addressed and divided by rotating the alternating weekend/rotating weekly parenting time schedule each year – see paragraph 3.1.2 above). The holiday/vacation schedule below has priority over the regular school year schedule, even if the holiday/vaction schedule results in one parent having three weekends in a row. The non-residential parent and residential parent shall share vacation and holidays with the parties' child as follows:

Standard

2.3.1 **Easter Sunday**. The parent regularly having the child on Easter, under the school year schedule, shall have the child.

☐*Optional*

3.3.1 **Easter Sunday [overnight]**. In *even-numbered years*, the non-residential parent shall have the parties' child on Easter. In *odd-numbered years*, the residential parent shall have the parties' child on Easter. This period shall begin at 9:00 a.m. on Easter Sunday and end Monday morning. The parent exercising this parenting time shall provide transportation to begin this time and

the other parent shall provide transportation to end this time. ***This Easter Sunday provision takes priority over Spring Vacation if there is a conflict***.

☐*Optional* 3.3.1 **Easter Sunday [during the day]**. In *even-numbered years*, the non-residential parent shall have the parties' child on Easter. In *odd-numbered years*, the residential parent shall have the parties' child on Easter. This period shall begin at 9:00 a.m. on Easter Sunday and end at 6:00 p.m. the same day. The parent exercising this parenting time shall provide transportation to begin this time and the other parent shall provide transportation to end this time. ***This Easter Sunday provision takes priority over Spring Vacation if there is a conflict***.

Standard 2.3.2 **Spring Vacation [evenly divide vacation each year]**. Whichever parent has the weekend at the beginning of Spring Vacation, in accordance with the alternating weekend schedule, shall continue to have the parties' child until noon on the Wednesday of Spring Vacation. At that time, the other parent shall have the parties' child through the remainder of Spring Vacation, until school resumes. ***The alternating mid-week parenting time shall not apply during Spring Vacation***.

☐*Optional* 3.3.2 **Spring Vacation [alternate majority of vacation each year]**. In *odd-numbered years*, the non-residential parent shall have the parties' child for the majority of Spring Vacation. In *even-numbered years*, the residential parent shall have the parties' children for the majority of Spring Vacation. This period shall begin at 4:00 p.m. on the Sunday after school recesses and end at 4:00 p.m. on the Friday before school resumes. The alternating weekend/rotating weekly schedule shall remain in effect, which means a parent will be able to add his or her weekend to either the beginning or end of this period in accordance with the alternating weekend schedule. ***The alternating mid-week parenting time shall not apply during Spring Vacation***.

☐*Optional* 3.3.2 **Spring Vacation [alternate entire vacation each year]**. (*Note*: This option usually results in one parent having the child three weekends in a row.) In *odd-numbered years*, the non-residential parent shall have the parties' child for the entire Spring Vacation. In *even-numbered years*, the residential parent shall have the parties' child for the entire Spring Vacation. This period shall begin at 6:00 p.m. on the day school adjourns for Spring Vacation and end at 6:00 p.m. the day before school resumes. ***The alternating weekend/rotating weekly schedule and alternating mid-week parenting time shall not apply during Spring Vacation***.

Standard 2.3.3 **Mother's/Father's Day**. Mother shall have the parties' child beginning at 9:00 a.m. on Mother's Day and ending at 9:00 a.m. on Monday morning. Father shall have the parties' child beginning at 9:00 a.m. on Father's Day and ending at 9:00 a.m. on Monday morning.

☐*Optional* 3.3.3 **Mother's/Father's Day**. The parent regularly having the child under the school year schedule shall have the child.

Standard 2.3.4 **Summer Vacation [alternating one-week blocks]**. The residential parent and non-residential parent shall alternate having the parties'

child for one-week blocks of time during Summer Vacation. The parent who would otherwise have the child on the first weekend after school recesses for the summer, under the alternating weekend/rotating weekly schedule, shall have the first alternating week during the summer schedule. The child will spend the following week with the other parent, and the parents will continue to alternate weeks for the remainder of the summer. The exchanges shall occur at 6:00 p.m. on Fridays. The summer schedule ends at 6:00 p.m. on the Friday of Labor Day Weekend, even if this cuts short a parent's one-week block of time. The provisions of paragraph 3.2 describe which parent will have the child over the Labor Day Weekend. ***The School Year schedule shall not apply during Summer Vacation***.

☐*Optional*

3.3.4 **Summer Vacation [extended one week periods during each of the summer months]**.

Non-Residential Parent: The *non-residential* parent shall have the parties' child for three (3) extended seven (7) overnight periods during the months of June, July, and August. The alternating weekend/rotating weekly parenting schedule in paragraph 3.1.1 shall remain in effect for the remainder of the summer. The extended week shall begin at 4:00 p.m. on Friday of the non-residential parent's second weekend with the child during the specified month unless the parties agree on a different week. The second weekend of the month is the second weekend that both Saturday and Sunday fall within the new month. For example, if Saturday is in the old month and Sunday is in the new month, the first weekend for the new month will be the following weekend.

Residential Parent: The *residential* parent shall have the parties' child for two (2) uninterrupted seven (7) overnight periods during the months of June, July, or August. The residential parent is entitled to take these periods back-to-back, which means that parent will have the child for 14 uninterrupted overnights. The residential parent must notify the non-residential parent of the dates for the two seven-overnight periods (or one 14-overnight period) in writing no later than May 1. The residential parent's two seven-overnight periods (or one 14-overnight period) may not conflict with the non-residential parent's extended time periods in July or August. The residential parent's time shall begin on a Friday and end on a Friday, which means that parent may, but is not required to, add the regular weekend with the child to either the beginning or the end of the time with the child.

☐*Optional*

3.3.4 **Extended Time [extra parenting time spread throughout the entire year]**.

Non-Residential Parent: The *non-residential* parent shall have the parties' child for an extended seven (7) overnight period during the months of February, March or April (depending on Spring Vacation), May, July, August, and October. This period replaces the traditional "summer vacation." The non-residential parent shall have the child in March if Spring Vacation is in April or in April if Spring Vacation is in March. The alternating weekend/rotating weekly parenting schedule in paragraph 3.1.1 shall remain in effect for the remainder of

the summer. The extended week shall begin on Friday of the non-residential parent's second weekend with the child during the specified month unless the parties agree on a different week. The second weekend of the month is the second weekend that both Saturday and Sunday fall within the new month. For example, if Saturday is in the old month and Sunday is in the new month, the first weekend for the new month will be the following weekend.

Residential Parent: The *residential* parent shall have the parties' child for two (2) uninterrupted seven (7) overnight periods during the months of June, July, or August. The residential parent may take these periods back-to-back, which means that parent will have the child for 14 uninterrupted overnights. The residential parent must notify the non-residential parent of the dates for the two seven-overnight periods (or one 14-overnight period) in writing no later than May 1. The residential parent's two seven-overnight periods (or one 14-overnight period) may not conflict with the non-residential parent's extended time periods in July or August. The residential parent's time shall begin on a Friday and end on a Friday, which means that parent may, but is not required to, add the regular weekend with the child to either the beginning or the end of the time with the child.

Standard

2.3.5 **Fourth of July**. The parent regularly having the child on the Fourth of July under the summer vacation schedule shall have the child.

☐*Optional*

3.3.5 **Fourth of July**. In *even-numbered years*, the residential parent shall have the parties' child. In *odd-numbered years*, the non-residential parent shall have the parties' child. This period shall begin at 4:00 p.m. on July 3rd and end at 4:00 p.m. on July 5th. The parent exercising this parenting time shall provide transportation to begin this time and the other parent shall provide transportation to end this time. ***This Fourth of July provision takes priority over the Summer Vacation schedule if there is a conflict***.

2.3.6 **Halloween**. In *even-numbered years*, the residential parent shall have the parties' child. In *odd-numbered years*, the non-residential parent shall have the parties' child. This period shall begin at 5:30 p.m. on October 31st and end at 9:00 p.m. the same day. Halloween shall not apply to a child upon turning 12 years old.

Standard

2.3.7 **Thanksgiving [no change in weekend schedule]**. In *even-numbered years*, the residential parent shall have the parties' child. In *odd-numbered years*, the non-residential parent shall have the parties' child. This period shall begin at the school's normal recess time (even though there may not be school that day) on the Wednesday before Thanksgiving Day and end at 4:00 p.m. on the Friday after Thanksgiving Day. The parent having Thanksgiving shall keep the child until 6:00 p.m. on Sunday night (or until Monday morning if a parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings) if it is that parent's weekend to have the child on the normal alternating weekend/rotating weekly schedule described in paragraph 3.1.1 above.

☐*Optional*

3.3.7 **Thanksgiving [through weekend]**. In *even-numbered years*, the residential parent shall have the parties' child. In *odd-numbered years*, the non-

residential parent shall have the parties' child. This period shall begin at the school's normal recess time (even though there may not be school that day) on the Wednesday before Thanksgiving Day and end at 6:00 p.m. on the Sunday following Thanksgiving Day. The parent having Thanksgiving shall keep the child until 6:00 p.m. on Sunday night (or until Monday morning if a parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings).

Standard

2.3.8 **Winter Vacation [alternate entire Vacation with exchange on December 25th]**. In *even-numbered years*, the non-residential parent shall have the parties' child beginning when school recesses for Winter Vacation and ending at 2:00 p.m. on December 25th. The residential parent shall have the parties' child for the remainder of Winter Vacation until school resumes. In *odd-numbered years*, the residential parent shall have the parties' child beginning when school recesses for Winter Vacation and ending at 2:00 p.m. on December 25th. The non-residential parent shall have the parties' child for the remainder of the Winter Vacation until 6:00 p.m. on the day before school resumes (or on the day school resumes if the non-residential parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings). ***The alternating weekend/rotating weekly schedule and alternating mid-week schedule shall not apply during Winter Vacation***.

☐*Optional*

3.3.8 **Winter Vacation [alternate entire Vacation with exchange on December 26th]**. In *even-numbered years*, the non-residential parent shall have the parties' child beginning when school recesses for Winter Vacation and ending at noon on December 26th. The residential parent shall have the parties' child for the remainder of Winter Vacation until school resumes. In *odd-numbered years*, the residential parent shall have the parties' child beginning when school recesses for Winter Vacation and ending at 2:00 p.m. on December 26th. The non-residential parent shall have the parties' child for the remainder of the Winter Vacation until 6:00 p.m. on the day before school resumes (or on the day school resumes if the non-residential parent's regular alternating weekend/rotating weekly schedule ends on Monday mornings). ***The alternating weekend/rotating weekly schedule and alternating mid-week schedule shall not apply during Winter Vacation***.

☐*Optional*

3.3.8 **Winter Vacation [alternate December 23rd through 25th]**. In *even-numbered* years, the non-residential parent shall have the parties' child beginning at 6:00 p.m. on December 23rd and ending at 9:00 p.m. on December 24th. The residential parent shall have the parties' child beginning at 9:00 p.m. on December 24th and ending at 6:00 p.m. on December 25th. In *odd-numbered years*, the residential parent beginning at 6:00 p.m. on December 23rd and ending at 9:00 p.m. on December 24th. The non-residential parent shall have the parties' child beginning at 9:00 p.m. on December 24th and ending at 6:00 p.m. on December 25th. ***The regular school year parenting schedule shall continue during Winter Vacation with this special time taking precedence over any conflict that may exist with that schedule***.

Standard

2.3.9 **Birthdays**. No special provision is made for birthdays as they can usually be celebrated on a day other than the actual birthday.

☐*Optional* 3.3.9 **Birthdays**. On a school day, birthday time begins when school recesses for the day and ends at 8:00 p.m. the same day. On a non-school day, birthday time begins at 10:00 a.m. and ends at 6:00 p.m. the same day. "Special days," described in this rule, take priority over birthdays. For example, Thanksgiving takes priority over a parent or child's birthday that occurs during the Thanksgiving holiday.

Child's Birthday: In *even-numbered years*, the residential parent shall have the parties' child. In *odd-numbered years*, the non-residential parent shall have the parties' child.

Residential Parent's Birthday: Always with residential parent, at the residential parent's option.

Non-Residential Parent's Birthday: Always with the non-residential parent, at the non-residential parent's option.

2.3.10 **School Furlough and Teach In-Service Days**. School furlough and teacher in-service days on which the child has the "day off" from school shall be treated as a holiday and added to a parent's scheduled time when the oldest child enters the first grade. If the furlough or in-service day is adjacent to (either immediately before or immediately after) the non-residential parent's weekend, that day shall be added to the non-residential parent's weekend. The extension of a parent's scheduled time by adding furlough or in-service days applies to all holidays except for Thanksgiving. For example, a parent's Spring Vacation may be extended if the child's school has designated days immediately before or following Spring Vacation as furlough days.

2.3.11 **Snow Days**. If school is delayed or cancelled for weather reasons, the parent who had the child the night before will keep the child until school resumes. The other parent is authorized to begin the weekend early should school be cancelled on the day immediately before that weekend.

2.3.12 **Other Holidays**. All additional parenting time for holidays, religious activities and observances, or special occasions (such as regularly scheduled family reunions) shall only become an enforceable part of this plan if the parties put it in writing and attach it to this plan at the time the court adopts this plan.

3. **Rules For Use Of Parenting Time**. The following rules shall apply to the use of parenting time:

3.1 **Personal Plans**. Neither a parent's nor the child's personal plans justifies a parent's failure to follow this parenting time schedule.

3.2 **Delivery and Pick-up**. All parenting time must take place in a prompt manner.

3.2.1 **Timing**. Pick-up and delivery must occur no more than 15 minutes before or 15 minutes after the time set for parenting time to begin and end. It is the responsibility of the parents to arrive for exchanges on time. This 15-minute window does not mean that the time ends at (for example) at 6:15 p.m. instead of

6:00 p.m. – the 15-minute window is designed to take into account only exceptional or unusual circumstances that might prevent a parent from being on time.

Standard

3.2.2 **Transportation [provided by receiving parent]**. The receiving parent shall pick-up the child from school if that parent's time with the child begins on a school day. The receiving parent shall pick-up the child outside the front door of the other parent's residence if that parent's time with the child begins on a non-school day. The parent with the child shall transport the child to school.

☐*Optional*

4.2.2 **Transportation [mostly provided by non-residential parent]**. The non-residential parent shall pick-up the child from school if that parent's time with the child begins on a school day. The non-residential parent shall pick-up the child outside the front door of the other parent's residence if that parent's time with the child begins on a non-school day. The non-residential parent shall return the child to school or daycare if that parent's time ends on a school day or to the front steps of the residential parent's residence if that parent's time ends on a non-school day.

3.2.3 **Other People Authorized to Provide Transportation**. A person known to the child such as a grandparent, step-parent, live in girl\boyfriend, etc., may transport the child at the request of a parent. If requested, the other parent must cooperate in providing authorization to the school or daycare providers. Any person transporting the child (including a parent) must have a valid driver's license. A vehicle being used to transport the child must be insured and have seat belts and child safety seats when required by Oregon law. A parent is not required to allow a child to be transported if these requirements are not complied with.

3.3 **Child's Activities**. Each parent has the right to visit with the child at school, attend the child's school activities (such as parent-teacher conferences, open house or sports activities), and have full access to information about the child. Each parent is responsible for informing themselves about the child's activities or events (such as conferences or field trips) that are scheduled by the school.

3.3.1 There are certain ongoing activities (sports teams, music lessons, youth activity meetings, etc.) that by their very nature occur each week and that may take place during both parents' scheduled parenting time. The residential parent has the right to register the child for ongoing activities, but must not schedule those activities in a manner that substantially interferes with the right of the non-residential parent to exercise his or her scheduled parenting time. A parent who signs the child up for an activity must provide the other parent with the schedule for that activity. Each parent is encouraged to use his or her best effort, and to work with the other parent, to keep the child involved in athletic events, school functions, lessons, birthday parties of friends, etc., even though those activities may fall during a parenting time period.

3.3.2 If a child's activities allow for leadership or participation by a parent (such as coaching or attending a field trip) and the residential parent does not take that role, the non-residential parent has the first option to do so, rather

than a spouse or boyfriend/girlfriend of the residential parent. The residential parent shall take no action that interferes with this provision, such as withdrawing the child from the activity in which the other parent is involved.

3.3.3 There are always unexpected events in which a child should participate even though the event occurs during the other parent's time. Funerals, weddings of close relatives, major (not regularly scheduled) family reunions, a large and special birthday celebration for a grandparent, etc., are examples. Each parent shall use his or her best efforts to assure that a child is able to participate in such unexpected events.

3.4 **No Shows and Make-Ups**. Only a child's health justifies postponement of parenting time. The illness of one child does not mean that another child's time with the non-residential parent is also postponed. Makeup time will occur on the following weekend if a child is ill and unable to visit for a scheduled weekend. There will be no makeup parenting time if the non-residential parent misses a scheduled parenting time for any other reason. The residential parent shall avoid scheduling non-urgent medical appointments during the residential parent's time.

3.5 **Clothes**. The non-residential parent must maintain a supply of basic clothing (socks, underwear, shirts, pants, etc.) for the child. The residential parent must provide the child with specialized clothing (coats, bathing suits, special party clothes, etc.) for the time he or she will be with the non-residential parent. That does not mean that the residential parent must purchase specialized items at the non-residential parent's request. A parent who signs a child up for an activity is responsible for providing any required clothing, such as uniforms or sports shoes. Each parent shall return all clothing that a child came with.

3.6 **Writing and Telephoning**. Each parent has the right to correspond with the child during reasonable hours without monitoring by the other parent or anyone else. The correspondence may take the form of letters, email, video-conferences, text messaging or telephone calls.

3.6.1 Unless the court has ordered otherwise, each parent shall provide their home (not just mailing) address, home, work and cellular telephone numbers, and a contact email address to the other parent.

☐*Optional* 3.6.2 Unless otherwise agreed, there shall be no more than three telephone calls per week and those calls shall not last past 8:00 p.m.

☐*Optional* 4.6.2 Unless otherwise agreed, there shall be no more than one telephone call per day to the child. The calls shall terminate at least one-half (½) hour prior to the normal bedtime set by the parent with whom the child is then with.

☐*Optional* 4.6.2 The residential parent and the non-residential parent shall both download *Skype* or a similar video-conferencing program onto their home computers, or make available to a child that parent's mobile device with video call capabilities (e.g., FaceTime on an iPhone). The parents shall set a regular time for these calls.

3.7 **Changes to the Parenting Schedule**. The parents are encouraged to be flexible and work together to agree to changes to this plan as their children get older or

family circumstances change. Each parent shall be flexible in arranging dates and times with the child so important family events and the child's activities are maintained with minimal disruption or hard feelings.

4. **Parental Responsibilities**. The following rules shall apply regarding the custodial relationship and each parent's responsibilities to the child.

4.1 **Mutual Respect Toward the Other Parent**. The following rules of common courtesy shall be strictly enforced. Anything less than full compliance will create conflict and cause harm to the child, something that each parent and the court is committed to preventing.

4.1.1 Neither parent shall make bad nor unflattering comments about the other parent or in any way try to diminish the love, respect and affection that the child has for the other parent.

4.1.2 Each parent shall at all times treat the other parent with respect when they are together (whether or not the child is present) or when the other parent is not present but third parties are present.

4.1.3 Neither parent shall speak in a negative manner about the other parent to the child.

4.1.4 Neither parent shall question a child about the other parent’s activities or relationships.

4.1.5 Neither parent shall ask a child to keep a secret from the other parent.

4.1.6 A parent should give the other parent a courtesy telephone call if exceptional circumstances occur that interfere with this schedule. (e.g., if a car breakdown delays a child’s transition to the other parent, if a child is ill and might not be able to transition to the other parent the following morning, etc.).

4.2 **Child's Input**. A child is not permitted to determine whether he or she visits the non-residential parent. However, older teenagers are often involved in their own activities and are unable (or unwilling) to spend time with their parents on a regular schedule as they did when they were younger. Both parents shall be considerate of older teenagers and recognize that they wish (and need) to spend more time with their peers rather than their parents. Both the non-residential parent and residential parent may need to make adjustments to accommodate these life changes.

4.3 **Exchanging Parenting Information**. Parents must make plans and exchange information directly with each other rather than through the child.

4.4 **School Attendance**. The child shall attend school unless excused for medical reasons, an emergency (such as a funeral), the school, the court, or both parents.

4.4.1 Unless the residential parent and the non-residential parent otherwise agree, the parent at whose home the child slept the night before an illness is responsible for staying home with that child the next day if the child is too ill to return to school or daycare.

4.4.2 All school registration forms shall reflect the name, address and telephone number of both parents.

☐*Optional* 4.4.3 The child shall not be home schooled without the written consent of both parents.

4.5 **The Other Parent's Privacy**.

4.5.1 Neither parent shall enter the other parent's home without that parent's permission. Neither a child, nor a childcare provider, has the authority to invite a parent to enter the other parent's home.

4.5.2 A parent shall not direct a child to enter the other parent's home to take possession of any item other than items that the child needs for that parenting time, and even then only after trying to contact the parent to arrange a time for the missing item to be picked up or delivered. For example, the child may have forgotten medication, sports gear or homework. Non-essential items such as a video game, music CD, a DVD, etc., are not items that justify a child entering one parent's home during the other parent's time with that child without advance permission to do so.

4.6 **Daily Care**. Each parent is responsible for the child's primary care while the child is with that parent. Unless the parents have joint custody, the non-residential parent may not make medical or dental decisions and appointments for the child unless there is an emergency.

4.6.1 The non-residential parent's right to make reasonable decisions regarding the child's care during his or her parenting time does not include giving the child haircuts or making any other substantial changes in the child's appearance (i.e., tattoos, piercings, etc.) without the written consent of the other parent.

4.6.2 Decisions about bedtime, hygiene, disciplinary actions, curfew, chores, allowances, what clothing is allowed to be worn, etc., may be different in each parent's home. Neither parent is required to follow the other parent's rules on these issues.

4.6.3 Each parent shall administer medications to the child in accordance with instructions given by the child's health care providers, including prescription and over-the-counter medications.

☐*Optional* 4.6.4 Neither parent shall allow a child to undergo cosmetic surgery, get a tattoo, marry, or enlist in the armed services without the other parent's written consent.

4.7 **Daycare**. Each parent shall be responsible for arranging daycare for a child during his or her time with the child. No child under the age of 11 shall be left unsupervised.

4.8 **Support of Parenting Time**. Neither parent shall discourage a child from spending time with the other parent. Oregon does not allow a child under the age of 18 to choose which parent they want to live with.

4.9 **Parenting Time is Independent From Support**. The non-residential parent's right to spend time with the child is not dependent on the payment of child support. The denial of parenting time may not be used to encourage the payment of support.

4.10 **Religious Freedom**. Each parent shall have the right to involve the child in that parent's religious belief and practices during that parent's time with the child. The child shall have the right to make his own religious choices as the child matures.

☐*Optional* 4.11 **Step-parents**. Step-parents and live-in spousal equivalents are not to assume parenting responsibilities over the child. Issues regarding the child are to be dealt with by his or her parents, not by a parent in one household and a step-parent in the other.

4.12 **Mediation**. The parents are encouraged to attempt to resolve parenting disputes through mediation.

5. **Parenting Time – Children Birth Through Age 3**

The first three years of a child's life are critical for their future health, happiness, and growth. Parents ending their relationship during this time in their child's life face difficult choices about what schedule will work best for their child. Parents who have a child this age are *strongly* encouraged to review the "Birth through Three Guide. The handbook includes:

- Information about attachment and its importance in early development
- The importance of each parent in a child's life
- Overnights for young children and things to think about when deciding on overnights
- Signs of distress in young children and the difference between normal and concerning responses to stress
- Sample parenting time plans

A copy of the handbook can be downloaded from the Oregon Judicial Department's Statewide Family Law Advisory Committee website at:

http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Birth%20through%20Three%20Guide%2009-2014%20FINAL.pdf

It is also available in Spanish at:

http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/Birth%20through%20Three%20Guide%2009-2014%20FINAL_Spanish%20FINAL.pdf

6. **Long Distance and Out-Of-State Parenting Time Suggestions**

The parenting plan outlined in this rule is practical in terms of time and distance for parents who live within 60 miles of each other. The schedule may not work for parents who live more than 60 miles apart. It is not possible to write a standard parenting schedule for parents who live a long distance from each other because each situation is different.

The State of Oregon has sample parenting plans available online that can be reviewed and completed by parents who need a long distance parenting plan. Those plans are guides only and do not set a maximum or a minimum amount of time that a child will spend with each parent.

http://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/familylaw/mediumldparentingplanformtabtest6savablefinal10-7-08.pdf

The State of Oregon's suggested " **Long Distance** " schedule is suggested for parents who live 180 miles or more apart from each other.

http://courts.oregon.gov/OJD/docs/osca/cpsd/courtimprovement/familylaw/attachment4b-longdistancescheduletabtest2savablefinal8-08.pdf

A court-ordered parenting plan is binding on both parents until a court orders otherwise. A parent who is moving to a different location has the obligation to make sure the parenting plan is adjusted in a manner that is fair to the child and the other parent.

Additional information on writing a parenting plan, including sample provisions, is available through the State of Oregon at:

http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/pages/parentingplan.aspx