

Model Parenting Plan for Linn County Medium Distance Plan

(Parents live 60-119 miles apart)

2018 Revision

Linn County Model Parenting Plan – Medium Distance Parenting Plan

1. Introduction

- a. Oregon law requires parents in divorces and custody cases to file a parenting plan. Since parents know their child best, they are encouraged to develop a plan that fits their child's needs. If the parents are unable to come to an agreement, the court may order this Model plan or a variation of this plan, according to what the court finds are the best interests of the child. The best way to design your own plan is to visit the Oregon Judicial Department website at: <http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/pages/parentingplan.aspx> and use the template there as a guide.
- b. Parents may change this plan in any way they agree upon. However, the changed plan will not be enforceable unless it is written out, filed with the court in the form of a judgment, and approved by the court. The court reserves the right not to approve a plan if a plan is not in the best interests of the child.
- c. This plan should not be used when either parent has physically abused the other or has physically or sexually abused a child. If domestic violence, child abuse, or any other factor would put the child or parent at risk of violence, the parent should develop a Safety Focused Plan. Safety Focused plans can be found at the OJD website or can be designed with the assistance of an attorney. This plan is also not suitable for parents working rotating shifts or having other unusual scheduling.
 - i. Prior Revisions: Linn County adopted a 1998 Revision, a 2004 Revision and a 2010 Revision of the Model Parenting Plan. Where these parenting plans were court ordered they remain in effect until the court orders that this plan replace the previous version. Parents are free to use this plan if they so agree however it will not be enforceable unless approved by the court in their case.
- d. **Definitions**: This plan uses a number of special and legal terms. There is a glossary of those terms at the end of the Plan to help define them for you.
- e. **Government Benefits**: If one or both parents are receiving certain government benefits including TANF, food stamps, etc., a 50/50 parenting plan may result in reduction of or cancellation of those benefits.

2. Rules for Reading the Plan

- a. References to **Parent A** are to the custodial parent. **Parent B** is the non-custodial parent.
- b. There are three general plans for parenting time. One for parents who live within 60 miles of one another, it is called the *Short Distance Parenting Plan*. A second plan is for parents who live between 60-120 miles from one another, it is called the *Medium Distance Parenting Plan*. The final plan is for parents who live more than 120 miles from one another and it is called the *Long Distance Parenting Plan*. All three plans are referred to as the *Model Parenting Plan*.
- c. The timing for summer vacation, winter vacation, and spring break is the same as the child's school's schedule. If the child is not attending school, the timing is determined by the vacation schedule of the public school district where the child lives.
- d. If alternating weekend parenting time conflicts with a holiday or vacation parenting time, then the parent entitled to holiday or vacation time will have the child for that time. These conflicts will not change the alternating weekend schedule.
- e. If the *Model Parenting Plan* is adopted, the version that applies is governed by the actual distance that the parents live from one another. If they move further or closer together the plan would change to match that distance.
- f. Where references are made to school dates and a child is home schooled or otherwise not in school, the school schedule in the public school district where Parent A resides shall be the controlling schedule.
- g. This plan governs the rights and obligations of the parties to this case. It does not supersede or replace restrictions on contact, parenting time or visitation issued by a court in a criminal or juvenile case. It supersedes or replaces provisions of a Family Abuse Prevention Act (FAPA) order if the case where this plan is approved was consolidated with the FAPA case.

The Medium Distance Plan applies where parents live between 60 and 120 miles apart, unless they agree otherwise.

3. Residential Schedule

- a. Parent B will have the child for 3 consecutive nights each month.

- b. This parenting time will be scheduled to include non-school days whenever possible. [A non-school day is any day when school is not in session for any reason.]
- c. Parent B will choose when each block of parenting time will take place and notify Parent A in writing before August 1 to schedule time for the next school year (September-June). If Parent B fails to notify Parent A before August 1, Parent A may choose when each block of parenting time will take place. Parent A will notify Parent B in writing of when these blocks of parenting time will take place before August 20. If Parent A fails to notify Parent B before August 20, Parent B may choose when each block of parenting time will take place.
- d. If this plan is ordered after August 1, Parent B will have 30 days from the date of the judgment or order to notify Parent A when each block of parenting time shall take place. The following summer the notification schedule set out above will apply.
- e. This parenting time will start at 7:00 P.M. on the first day and end at 7:00 P.M. on the fourth day.

4. Holidays, Summer and School Breaks (applies in both short and medium distance plans)

- a. Parent B will have the child every other 2 weeks.
- b. Parent A will have the child on the alternate 2 weeks.
- c. Each block of 2 weeks will begin at 7:00 P.M. on Friday and end at 7:00 P.M. on Friday.
- d. In odd numbered years, Parent B will have the child for the first block of 2 weeks. In even numbered years, Parent A will have the child for the first block of 2 weeks.
- e. The first block of 2 weeks starts at 7:00 P.M. on Friday of the last week of school whether or not the children are enrolled in school. The alternate weekend schedule will not continue during the summer. The alternate weekend schedule will resume after Labor Day.
- f. If a parent's 2-week block conflicts with a holiday in this plan, the child will go with the parent entitled to the Special Day or Event.

g. For Special Days or Events the schedule shall be as follows:

Special Day or Event:	Even Numbered Years:	Odd Numbered Years:
Spring Break	Parent A: 7:00 P.M. on the Friday school adjourns until 6:00 P.M. on the Sunday at the end of the break.	Parent B: 7:00 P.M. on the Friday school adjourns until 6:00 P.M. on the Sunday at the end of the break.
Memorial Day	Parent A: 7:00 P.M. Friday to 6:00 P.M. on Memorial Day.	Parent B: 7:00 P.M. Friday to 6:00 P.M. on Memorial Day.
Labor Day	Parent B: 7:00 P.M. Friday to 7:00 P.M. on Labor Day.	Parent A: 7:00 P.M. Friday to 7:00 P.M. on Labor Day.
Halloween	Parent A: 5:00 P.M. to 8:00 P.M.	Parent B: 5:00 P.M. to 8:00 P.M.
Thanksgiving	Parent B: 7:00 P.M. on the Wednesday before Thanksgiving to 9:00 A.M. the following Monday or when school begins if child in school.	Parent A: 7:00 P.M. on the Wednesday before Thanksgiving to 9:00 A.M. the following Monday or when school begins if child in school
Winter Break	Parent B: 1:00 P.M. on Dec 26 until 1:00 P.M. the day before school reconvenes. Parent A: 9:00 A.M. on the day after the last day of school until 1:00 P.M. on Dec 26.	Parent B: 9:00 A.M. the day after school adjourns until 1:00 P.M. on Dec 26. Parent A: 1:00 P.M. on Dec 26 until 1:00 P.M. on the day prior to the day school reconvenes.
Child's Birthday	Parent B: 5:00 P.M. the day prior to the birthday until 9:00 A.M. the day after the birthday. If the child's birthday falls on a holiday otherwise provided for the holiday schedule supersedes the birthday schedule.	Parent A: 5:00 P.M. the day prior to the birthday until 9:00 A.M. the day after the birthday. If the child's birthday falls on a holiday otherwise provided for the holiday schedule supersedes the birthday schedule.

Special Day or Event:	Even Numbered Years:	Odd Numbered Years:
Parent's Birthday	Each year each parent shall have parenting time from 9:00 A.M. to 7:00 P.M. on that parent's birthday; however other holiday schedules supersede this time.	Each year each parent shall have parenting time from 9:00 A.M. to 7:00 P.M. on that parent's birthday; however other holiday schedules supersede this time.
Mother's Day	Mother will have the child on Mother's Day from 9:00 A.M. until 7:00 P.M.	Mother will have the child on Mother's Day from 9:00 A.M. until 7:00 P.M.
Father's Day	Father will have the child on Father's Day from 9:00 A.M. until 7:00 P.M.	Father will have the child on Father's Day from 9:00 A.M. until 7:00 P.M.

STANDARD PROVISIONS

1. Decisions

a. Day-to-day Decisions

- i. Each parent will make day-to-day decisions about the care and control of the child while that parent is caring for the child.
- ii. Both parents may make emergency decisions about the child concerning health and safety.

b. Major Decisions

- i. Parent A has sole authority to make major decisions for the child.
- ii. If both parents agree to joint custody in writing and the court approves it by court order or judgment, both parents have authority to make major decisions for the child.

2. Religion: Each parent may take the child to that parent's religious services during parenting time. Each parent may instruct and encourage the child to participate in the religion or philosophy of the parent's choice. Neither parent may do, nor say, anything to disparage the religion or philosophy of the other parent.

3. Information

- a. Both parents have equal access to important information regarding the child.
- b. Important information includes the child's mailing address, street address, telephone number, educational records, medical records, governmental agency records, psychological records, and law enforcement records.
- c. Each parent must notify the other parent in emergency circumstances or if there is a substantial change in the health of the child.
- d. Each parent must notify the other parent of his or her mailing address, street address, and phone number.
- e. Each parent must notify the other parent of any changes to the above information within 72 hours of the change.
- f. If either parent takes the child from that parent's usual residence for a period of more than 48 hours, that parent must notify the other parent where the child will be staying and an emergency contact phone number for that location.

4. Communication

- a. Both parents and the child have the right to communicate by regular mail and email without any limitations.
- b. Both parents and the child have the right to communicate by telephone 3 times a week for 10 minutes each time.

- c. If the child is under 6 years old, these calls must begin before 8 P.M. If the child is between 6 years old and 12 years old, these calls must begin before 9 P.M. If the child is between 13 years old and 17 years old, these calls must begin before 11 P.M.
- d. Long distance telephone charges must be paid by the parent making the call.
- e. Neither parent is required to maintain a computer or an internet connection.
- f. Neither parent nor any other person may monitor these communications against the wishes of the child and the other parent.
- g. ORS 107.154: In addition to the information rules above the following statutory rules also apply:
 - i. Unless otherwise ordered by the court, an order of sole custody to one parent shall not deprive the other parent of the following authority:
 - ii. (1) To inspect and receive school records and to consult with school staff concerning the child's welfare and education, to the same extent as the custodial parent may inspect and receive such records and consult with such staff;
 - iii. (2) To inspect and receive governmental agency and law enforcement records concerning the child to the same extent as the custodial parent may inspect and receive such records;
 - iv. (3) To consult with any person who may provide care or treatment for the child and to inspect and receive the child's medical, dental and psychological records, to the same extent as the custodial parent may consult with such person and inspect and receive such records;
 - v. (4) To authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the custodial parent is, for practical purposes, unavailable; or
 - vi. (5) To apply to be the child's conservator, guardian ad litem or both.

5. Child's Activities

- a. Both parents may visit the child at school, attend their school activities, school open houses, and school sporting events.
- b. Both parents have full access to complete information about the child's school matters from the child's school teachers and administrators.
- c. Both parents may attend parent-teacher conferences. These conferences do

not have to be held jointly with both parents.

- d. Each parent has the responsibility to keep him or herself informed of the child's activities and events.
- e. Parent A may register the child for activities. However, Parent A should not over-schedule the child, so that Parent B is unable to select activities for the child during Parent B's parenting time.
- f. Neither parent must take the child to any scheduled activity. However, the court encourages both parents to keep the child involved in activities scheduled by the other parent and to cooperate. As children grow older, a child's activities typically become more important to the child, and the child may resent a parent who interferes with these activities.

6. Child's Belongings

- a. Each parent may provide whatever clothing and toys they choose for the child.
- b. For parenting time with Parent B, Parent A must provide the child with a packed bag containing all clothing and accessories necessary for the parenting time. Parent B must make sure all those items are returned to Parent A.

7. Missed Time

- a. The personal plans of the parent or the child will not be a reason for failing to follow the parenting time schedule.
- b. The child may not determine whether or not he or she wishes to spend time with the parent entitled to parenting time.
- c. Substantial medical reasons may postpone parenting time. If a child or parent is ill and unable to attend or transport for parenting time, the parenting time will be made up the following weekend or the following Monday. Illness is defined here as either being extremely sick (repeated vomiting or a fever over 101 degrees F.) or an order by a doctor that the parent or child is not to leave their bed. If a parent is severely ill for more than one week they shall make arrangements to have the child transported or shall arrange to have the other parent transport.
- d. If Parent B fails to exercise his or her parenting time, Parent B will not have any make-up time.

8. Exchanges of Children and Transportation Costs

- a. Parent B will pick the child up and return the child at the front door of the residence of Parent A. The parties will each pay one half of the transportation expense. Each parent shall alternatively pay the round trip travel expense every other time the child travels for parenting time.

9. Be on Time

- a. Parents will make all efforts to be on time for child exchanges.
- b. Neither parent may be more than 15 minutes late for exchanges.

10. Alcohol and Tobacco Use

- a. The child shall not be in exposed to tobacco or marijuana smoke in a closed area including any vehicle or house where the child is located

11. Alcohol and Controlled Substances: Neither parent shall abuse alcohol or controlled substances while the child is in their physical custody.

- a. Abuse is defined as becoming intoxicated from alcohol use (BAC of .08 or above and/or perceptibly under the influence); or using any controlled substance illegally or in a manner that results in intoxication.

12. Parents Moving Rule by Statute (ORS 107.159)

- a. (1) In any court order or judgment granting custody of a minor child and parenting time or visitation rights relating to the child, except for an order under ORS [107.700 \(Short title\)](#) to [107.735 \(Duties of State Court Administrator\)](#), the court shall include in its order a provision requiring that neither parent may move to a residence more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court.
- b. (2) Notwithstanding subsection (1) of this section, a parent is not required to give notice of a change of residence if the court, upon ex parte or other motion of the parent and for good cause, enters an order suspending the requirement. [1987 c.795 §4; 1997 c.707 §11; 2003 c.576 §113]

13. Child Support Over Night Calculations

- a. Average 84 over nights

DEFINITIONS

Actively Involved: A parent has contributed much to a child's successful upbringing and is a central part of the child's life.

Alternate Weekends: Every other weekend. Alternate weekends start with the first weekend after New Year's Day. This is the center of the regular plan.

Child: all minor children of the parents in this case; does not include non-joint children.

Consolidate: A procedure in court where an order is entered combining two cases or linking them so that there will not be inconsistent orders in the cases. Either the court or the parties must submit a motion to consolidate cases.

Custody: The right to make major decisions for the welfare of a child. Custody may be either joint (shared by both parents) or sole (only one of the parents). Both parents must agree to have joint custody.

Domestic Violence: A pattern of physical, verbal, sexual, and/or emotional behavior in which one person in a relationship uses force, fear, or intimidation to dominate or control the other person, often with the threat or use of violence. If you are experiencing domestic violence, this plan is inappropriate for you.

FAPA: Family Abuse Prevention Act: provides for protective restraining orders when there has been domestic abuse.

Foreign Order: An order issued in a state other than Oregon.

Long Distance: When the parents live more than approximately 120 miles apart.

Major Decisions: Decisions such as the child's education, non-emergency healthcare, hair length, body piercing, tattooing, military service, and marriage as a minor.

Mediation: Meetings with a mediator to allow parents to fashion a custody and parenting plan that best suits their family and children's needs.

Mediator: A person specially trained to assist people in conflict to find resolution to that conflict through a process of compromise and discussion. The court provides a limited amount of mediation for custody and parenting time disputes at no additional charge to parties.

Medium Distance: When the parents live more than approximately 60 miles apart, but less than approximately 120 miles apart.

Parent A: The parent who provides the primary residence for the child. Also known as the custodial parent.

Parent B: The parent who has parenting time with the child according to this plan. Also known as the non-custodial parent.

Parenting Plan: A document that states when the child will be with each parent and how decisions will be made.

Parenting Time/Visitation: The actual time a child is scheduled to spend with a parent. During parenting time, the parent who is exercising parenting time has primary responsibility for making routine decisions for the child but not major decisions. Visitation has the same meaning, but in Oregon the term parenting

time is preferred. The term visitation is used in foreign judgments, FAPA orders and other documents. Visitation usually refers to short period when a parent and the child can visit. It may be supervised or not. Parenting time refers to longer regular periods of time when a parent and child can have a more relaxed time together.