

## APPENDIX 3

SLR 8.085 (3)

### PARENTING PLANS AND NON-CUSTODIAL PARENTING TIME GUIDE

#### 1. INTRODUCTION

The Twenty-Fifth Judicial District recognizes that both parents are an important part of their child's growth and development. Therefore, the terms "custodial parent" and "non-custodial parent," in reference to these Local Guidelines, are to be read with the idea and belief that each parent should be afforded the opportunity to play an active role in the child's life and that each child should be assured frequent and consistent contact with parents who have shown their ability to act in the child's best interest.

The purpose of these guidelines is to provide a reference for parents who have not established another schedule. Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. Pursuant to UTCR 12.015(1)(B), participation in mediation is mandatory in any dispute involving custody and/or non-custodial parenting time.

Parents developing parenting plans for children ages 0 months to 48 months should refer to the *Birth to Three Parenting Guide* for developmentally age specific parenting plan suggestions.

The *Birth to Three Parenting Guide* can be found at:

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

These guidelines set forth reasonable parenting time for a non-custodial parent or joint custodial parents for cases with children ages 49 months (4 years) through age 18.

These guidelines may be INAPPLICABLE to families experiencing domestic violence, mental health or substance abuse issues. The Safety Focused Parenting Plan Guide for Parents is found at: <http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/sfppgentirever04-091003.pdf>

These guidelines do not establish any minimum standard for parenting time and are not intended as mandatory provisions, unless specifically ordered by the court.

#### 2. DEFINITIONS

- (a) "Infant and Young Child" refer to children ages 0 months to 48 months.
- (b) "Child" includes all minor children referred to in the pleadings between the ages of 4 through the age of 18.
- (c) "Early School Age Child" refers to children who are enrolled in full day kindergarten through age 10; school age children can handle longer periods of time away from a parent. It is important that the parenting plan accommodate the children's school and activity schedule. Some parents alternate weeks with the children, while others plan shorter, more frequent time periods.

- (d) "Early Adolescents" are defined as children ages 11 to 13 years old; early adolescents are much more focused on their friends and extracurricular activities. They often want to have a say in their living arrangement and parents should listen carefully and consider their views. However, it is important to be clear that it is the parents who will make the final decision about the living arrangement.
- (e) "Teenagers" are defined as children ages 14 to 18 years old; teenagers become increasingly independent and may want to have their parenting plan revised to meet their needs. A parenting plan should not arbitrarily prevent them from being involved with activities, after school jobs or friends. Many teens want to have a primary home where they know they can be contacted and parents may want to consider this.
- (f) "Custodial Parent" refers to the parent awarded sole custody.
- (g) "Non-custodial Parent" refers to the parent who is not the custodial parent as defined above.
- (h) "Joint Custody" is a form of legal custody providing that the parents have shared authority to make all major decisions concerning the child. Parents who agree on joint custody could, for example, decide that the child will live with one parent for more time than with the other parent. However, if they did so, both parents would still have to agree on significant decisions affecting the child. IF PARENTS DO NOT AGREE ON JOINT CUSTODY AND HOW JOINT CUSTODY ARRANGEMENTS WILL WORK, THE COURT *CANNOT* ORDER JOINT CUSTODY.
- (i) "Local Parenting Time" refers to situations where parents reside within 60 miles of each other's residence.
- (j) "Mid-Distance Parenting Time" refers to situations where parents reside between 60 and 200 miles of each other's residence.
- (k) "Long-Distance Parenting Time" refers to situations where parents reside over 200 miles further distance from each other.
- (l) "Non-School Days" are defined as In-Service, Teacher Workdays, Conference, Grading Days, or Snow Days.

### **3. HOLIDAYS AND NON-SCHOOL DAYS**

The custodial schedule for the child for the holidays, events and vacation days listed below is as follows:

*Thanksgiving Vacation:* Wednesday at 7:00 PM through the following Sunday at 7:00 PM.

Custodial parent - odd years

Non-custodial parent - even years

*Halloween:* October 31st at 5:30 PM through 9:00 PM

Custodial parent - even years

Non-custodial parent - odd years

*Spring Vacation:* Whether or not the child is in school, during the period of school spring vacation (measured from the day after school adjourns through the day before school resumes), commencing at 10:00 AM and ending at 7:00 PM

Custodial parent - even years

Non-custodial parent - odd years

*Mother's Day:* 10:00 AM through 7:00 PM

Always with mother

*Father's Day:* 10:00 AM through at 7:00 PM

Always with father

*Fourth of July:* With the parent whose summer schedule includes July 4th.

*Child's Birthday:* 5:00 PM through 8:00 PM on a school day; 10:00 AM through 7:00 PM on a non-school day.

Custodial parent - even years

Non-custodial parent - odd years

*Mother's Birthday:* 5:00 PM through 8:00 PM on a school day; 10:00 AM through 7:00 PM on a non-school day.

Always with mother, at mother's option.

*Father's Birthday:* 5:00 PM through 8:00 PM on a school day; 10:00 AM through 7:00 PM on a non-school day.

Always with father, at father's option.

#### **4. GENERAL PROVISIONS**

- (a) *Personal Plans.* Personal plans of the custodial parent or child, (for example, school or church activities) will not be reasons for failing to follow the parenting time schedule set forth in the court's order.
- (b) *Addresses and telephone numbers.* Unless otherwise ordered by the court, both parents will provide home addresses and contact telephone numbers to the other party. In the event the non-custodial parent is taking the child overnight out of the town of the non-custodial parent's residence, the non-custodial parent shall notify the custodial parent of the location and telephone number, if any, of where the child will be sleeping.
- (c) *Non-assigned time.* Unless otherwise agreed, in writing, the custodial parent is responsible for the child during all times not awarded to non-custodial parent.
- (d) *Delivery and Pick-up.* All parenting time events shall be exercised in a prompt manner. Unless otherwise agreed, or court ordered, pickup and delivery shall occur no more than 15 minutes before or 15 minutes after the time specified for parenting time events to begin and end. The non-custodial parent shall pick up the child at the beginning of the parenting time event and the custodial parent shall pick up the child at the end of the parenting time event. The custodial parent shall have the child fed and ready on time for the non-custodial parent's parenting time with sufficient clothing packed and ready for the parenting time events. The non-custodial parent shall return all clothing and feed the child a meal before returning the child from the parenting time period.
- (e) *No shows for scheduled Parenting Time and Make-ups.* Only medical reasons documented by a physician's note will be considered sufficient for postponement of parenting time with the non-custodial parent. If a child is ill and unable to be with the non-custodial parent during his/her parenting time, a makeup period shall occur within the next three (3) weekends following the missed time. However, if the non-custodial parent fails to exercise his/her parenting time, there will be no makeup.
- (f) *History of not exercising parenting time.* When there is a history of the non-custodial parent does showing up for a scheduled weekend parenting time (for example: one "no show" per month for 3 months), the custodial parent may take the following action: To write the non-custodial parent indicating that unless the non-

custodial parent gives at least 3 days advance notice that he/she will exercise the scheduled weekend parenting time, the custodial parent will cancel the next following regularly scheduled parenting time.

Canceling the next regularly scheduled parenting time period should not be done lightly and should not be done by the custodial parent when there is no regular history of missed parenting time, or when the missed parenting time was due to an emergency situation such as health or emergency weather conditions.

- (g) *Mutual Respect Toward the Other Parent.* Both parents shall not make bad, derogatory or otherwise unflattering comments about the other party or in any way attempt to diminish the love, respect and affection that the child has for the other parent.
- (h) *Support of Non-Custodial Parent's Parenting Time.* The custodial parent shall encourage parenting time with the child and the child shall not be permitted to determine whether the child wishes to spend parenting time with the non-custodial parent unless agreed to, in writing, by both parents.
- (i) *Access to Records and Events.* In addition to the parenting time schedule, unless otherwise specifically ordered by the court, the non-custodial parent shall have the right to attend sports activities, and have full access to school teachers and administrators for complete information about the child in school. ORS 107.154 also affirms additional rights in the non-custodial parent unless otherwise ordered by the court. Each parent shall be responsible for keeping themselves advised of the child's activities and events.
- (j) *Conflicting Dates.* A child's birthday schedule (see Holidays for elections) takes precedence over the holiday, summer and alternating weekend schedules. The holiday schedule takes precedence over the summer and alternating weekend schedule. Due to the holiday parenting time schedule set out in this Rule, there may be occasions when one or both of the parents will have the child in his or her home for three weekends in a row. This could happen because any holiday defined in this Rule shall replace the normal schedule for a given weekend or time period. In other words, some weekends in a year will be lost due to conflicting vacations and holidays.
- (k) *Daily Care.* The parent with whom the child is staying will be responsible for daily care and will make necessary decisions regarding emergency medical or dental care. The non-custodial parent's rights to make daily care decisions does not include leaving a child unattended in violation of Oregon law, haircuts, permanents, or any substantial changes in the child's appearance (e.g., tattoos, ear piercing, etc.) unless authorized by the custodial parent.
- (l) *Day care.* The non-custodial parent shall be responsible for arranging and paying for day care for the child during his or her parenting time periods.
- (m) *Emergencies.* Each parent will immediately notify the other party of any emergency circumstances or substantial changes in the health or safety of the child.
- (n) *Writing, texting, emailing, and telephoning.* The non-custodial parent shall, in addition to the parenting time in this order, have the right to correspond with the child, and to telephone, text or email the child during reasonable hours without monitoring by custodial parent or anyone else. Unless otherwise agreed to between the parties, telephone calls, texts, or emails between non-custodial parent and the child shall be limited to no more than 3 per week. The custodial parent shall also have similar rights during periods of non-custodial parent's parenting time. A child over the age of 12 shall have the right to initiate calls, texts, or emails to the other parent during reasonable hours. Long distance calls are to be made collect unless other arrangements are made.
- (o) *Decision Making.* The custodial parent is encouraged to consult with the non-custodial parent regarding major decisions affecting the child; however, the custodial parent shall have full decision-making authority. Each parent shall exert his/her best effort to work cooperatively for the best interests of the child.

- (p) *Non-custodial Parenting Time is Independent from Support.* Non-custodial parenting time is not dependent on payment of child support or on whether or not the other parent does or does not do other things not directly related to non-custodial parenting time.

## 5. LOCAL PARENTING TIME

### (a) WEEKEND PARENTING TIME SCHEDULE:

- (1) The non-custodial parent shall have the child every other weekend, beginning on:

- ☐ Friday night at 5:00 PM
- ☐ Friday night at 6:00 PM
- ☐ Friday night at 7:00 PM

and ending on:

- ☐ Sunday night at 5:00 PM [
- ☐ Sunday night at 6:00 PM [ ]
- ☐ Sunday night at 7:00 PM
- ☐ Monday morning when the child is delivered to the school.

- (2) If the non-custodial parent has the child on his/her alternate weekend, and if the preceding Thursday or Friday or the following Monday is a recognized holiday or non-school day which is not listed below, then the non-custodial parent has the option to commence parenting time at:

- ☐ 5:00 PM
- ☐ 6:00 PM
- ☐ 7:00 PM on that Thursday or Friday

or end parenting time at:

- ☐ 5:00 PM
- ☐ 6:00 PM
- ☐ 7:00 PM on that Monday (the recognized holiday or non-school day).

By written agreement, the non-custodial parent's parenting time may end at such other time as the parties may agree.

- (3) Parents have the option to (choose 1 option):

- (i) ☐ Alternate weekend parenting time schedules annually, with the reset date beginning each January 1. The alternate weekend parenting time schedule shall rotate each year as follows:

In all even-numbered years, the:

☐ custodial parent's ☐ non-custodial parent's

first weekend parenting time shall begin at:

- ☐ 5:00 PM
- ☐ 6:00 PM
- ☐ 7:00 PM on the first Friday after New Year's Day.

In all odd-numbered years, the:

☐ custodial parent's ☐ non-custodial parent's

first weekend shall begin the second Friday following New Year's Day.

- (ii) ☐ Alternate weekend parenting time schedules annually, with the reset date beginning the first day following Labor Day. The alternate weekend parenting time schedule shall rotate each year as follows:

In all even-numbered years, the:

☐ custodial parent's ☐ non-custodial parent's

first weekend shall begin at:

☐ 5:00 PM

☐ 6:00 PM

☐ 7:00 PM on the first Friday following Labor Day.

In all odd-numbered years, the:

☐ custodial parent's ☐ non-custodial parent's

first weekend shall begin the second Friday following Labor Day.

- (iii) ☐ Not reset the alternate weekend parenting time schedule and continue with the every other weekend rotation.

(b) MID-WEEK PARENTING TIME SCHEDULE:

- (1) The non-custodial parent shall be able to have parenting time with his/her child:

☐ every Wednesday.

☐ every other Wednesday.

☐ none.

If the child is in school, the non-custodial parent shall have time with the child on Wednesday from 5:00 PM until:

☐ 7:00 PM

☐ 7:30 PM

☐ 8:00 PM

If the child is not in school, the time shall begin at 10:00 AM and end at 7:30 PM

- (2) The first alternate Wednesday parenting time period after an annual reset shall follow the non-custodial parent's first weekend parenting time.

(c) WINTER VACATION SCHEDULE:

If the child is not of school age, winter vacation shall be considered to begin on the day school would normally let out for the school district in which the child resides.

(1) In all even-numbered years, the non-custodial parent shall have the child beginning:

- ☐ after school adjourns
- ☐ after the parent gets off work
- ☐ at \_\_\_\_:\_\_\_\_. m. on the day that school adjourns

until December 25 at:

- ☐ 10:00 AM
- ☐ 10:30 AM
- ☐ 11:00 AM
- ☐ 11:30 AM
- ☐ 12:00 PM

The custodial parent shall have the child for the remainder of the child's winter vacation.

(2) In all odd-numbered years, the custodial parent shall have the child beginning:

- ☐ after school adjourns
- ☐ after the parent gets off work
- ☐ at \_\_\_\_:\_\_\_\_. m. on the day that school adjourns

until December 25 at:

- ☐ 10:00 AM
- ☐ 10:30 AM
- ☐ 11:00 AM
- ☐ 11:30 AM
- ☐ 12:00 PM

The non-custodial parent shall have the child for the remainder of the child's winter vacation until the day before school resumes at:

- ☐ 5:00 PM
- ☐ 6:00 PM
- ☐ 7:00 PM
- ☐ 8:00 PM

(3) The alternate weekend parenting time schedule and alternate Wednesday parenting time shall not apply during the winter vacation period.

(d) SUMMER PARENTING TIME:

Summer parenting time, also referred to here as "summer", begins the Friday after the local school district breaks for summer vacation.

- (1) Infants and Young Children: The parent will follow the regular weekly schedule unless otherwise agreed in writing.
- (2) Children age 49 months until start of full-time Kindergarten: The parents will follow the regular weekly schedule, with each parent having the ability to have up to one week of uninterrupted time with the child during summer months.

(3) Children from the age at the start of full-time Kindergarten until day of 18th birthday:

(i) When “Summer” Starts:

The summer parenting time schedule starts:

☐ the first Friday following the day school lets out for the summer.

☐ after school adjourns

☐ 5:00 PM

☐ 6:00 PM

☐ 7:00 PM

☐ \_\_\_\_\_.

The summer parenting time schedule ends at:

☐ 5:00 PM

☐ 6:00 PM

☐ 7:00 PM

on the sixth day before school resumes for the children. The regular weekend parenting time schedule will resume the second Friday after the children are returned to the custodial parent.

(ii) Scheduling Deadline(s):

Vacation:

This section applies to parents whose summer parenting plan allows for uninterrupted blocks of summer vacation time. Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the summer parenting time vacation which the non-custodial parent chooses to have with the child(ren). If the non-custodial parent fails to give written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time after giving two week’s written notice to the custodial parent, if and to the extent the time remains for such summer parenting time, and the requested uninterrupted vacation time does not conflict with the custodial parent’s choice for summer vacation time.

Children’s Summer Activities:

By May 1 of each year, the parents need to discuss and agree in writing on summer activities that impact both parents’ summer parenting time. Accommodations may need to be made so the child can participate in enrichment activities by adjusting the balance of available parenting time with both parents. If the parents fail to reach an agreement by May 1, the parent(s) may only sign up the child(ren) in summer activities or enrichment that impact both parents if the parents agree in writing prior to the child being enrolled or accepted into the activity.

Parents with Six Week Block of Summer Parenting Time:

Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the summer parenting time period which the non-custodial parent chooses to have the child. If the non-custodial parent fails to give written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child after giving two weeks’ written notice to the custodial parent, if and to the extent the time remains for such summer parenting time; provided, however, that the custodial parent shall have the right to choose the inclusive dates for such summer parenting time.

(iii) Summer Schedule (pick one):

(A) The summer parenting time shall remain the same as the school year except that each parent shall have the right to take a:



☐ 10-day uninterrupted block of vacation time. The 10-day uninterrupted block of vacation time shall include the parent's regular weekend rotation so that the other parent's alternating weekend rotation is not disturbed.

☐ One-week uninterrupted block of vacation time.

☐ A two-week uninterrupted block of vacation time.

The mid-week parenting time shall not occur during the summer parenting time.

- (B) ☐ The summer parenting time shall be shared between the parties. The parties acknowledge that due to the timing of the first day of school for the child(ren)'s school district, summer may not be an even number of weeks. The mid-week parenting time shall not occur during the summer parenting time.

☐ Alternating one week on, one week off with the "week" starting on:

☐ Friday night at 5:00 PM

☐ Friday night at 6:00 PM ☐

☐ Friday night at 7:00 PM ☐

☐ Sunday night at 5:00 PM ☐

☐ Sunday night at 6:00 PM ☐

☐ Sunday night at 7:00 PM

The ☐ custodial ☐ non-custodial parent shall have the first week block in even numbered years.

☐ Alternating two weeks on, two weeks off with the "week" starting on:

☐ Friday night at 5:00 PM

☐ Friday night at 6:00 PM

☐ Friday night at 7:00 PM

☐ Sunday night at 5:00 PM

☐ Sunday night at 6:00 PM

☐ Sunday night at 7:00 PM

The ☐ custodial ☐ non-custodial parent shall have the first two-week block in even numbered years.

- (C) ☐ The custodial parent shall have the child(ren) from the start of summer in even years until \_\_\_\_\_ of each year, and the non-custodial parent shall have the child(ren) from \_\_\_\_\_ of each year until the end of summer parenting time. In odd numbered years the non-custodial parent shall have the children from the start of summer until \_\_\_\_\_ and the custodial parent shall have the children from \_\_\_\_\_ of each year until the end of summer.

- (D) ☐ The non-custodial parent shall have the child(ren) from the start of summer in even years until \_\_\_\_\_ of each year and the custodial parent shall have the child(ren) from \_\_\_\_\_ of each year until the end of summer parenting time; In odd years, the custodial parent shall have the child(ren) from the start of summer until \_\_\_\_\_ of each year, and the non-custodial parent shall have the child(ren) from \_\_\_\_\_ of each year until the end of summer.

- (E) ☐ The non-custodial parent shall have six consecutive weeks of summer parenting time. The custodial parent shall have the child(ren) for the balance of the summer subject to the non-custodial parent's "alternate weekends", provided, however that the custodial parent shall have the right to keep the child(ren) for two uninterrupted weeks during the custodial parent's six weeks of summer which will result in the non-custodial parent losing one "alternate weekend."

## 6. MID-DISTANCE PARENTING TIME

- (a) Schedule:

Parents need to arrange options that are emotionally healthy and developmentally age appropriate for their child. This is individual to the child and often younger children are less able to manage long separations than other children.

During the school year, Mid-Distance Parenting Time may include one long weekend per month depending on non-school days or federal holidays (e.g. Martin Luther King Day, President's Day, Veterans' Day) not specifically listed under other Holidays, Events and Vacation Days, if the non-custodial parent gives 45 days written notice to the custodial parent.

Summer Parenting time should be structured to allow the non-custodial parent to have significant, meaningful time with the child that is emotionally healthy and developmentally age appropriate for their child that takes into account the reality that every-other weekend parenting time with the child may not be feasible during the child's school year due to the distance in terms of hours of travel or miles to travel and the cost for the transportation.

(b) Transportation:

If the non-custodial parent wants the child to travel by plane, train, or bus, the custodial parent shall deliver and pick-up the child at the nearest "local" airport with connecting flights to an international airport, train station, or bus station. A child younger than age eight should not be traveling alone unless it is a non-stop transportation that provides child supervision services, otherwise, all children under age 11 should be accompanied by a parent or a mutually agreed upon adult known to the child.

## **7. LONG DISTANCE PARENTING TIME**

(a) Schedule:

Parents need to arrange options that are emotionally healthy and developmentally age appropriate for their child. This is individual to the child and often younger children are less able to manage long separations than other children. The parents should take into account the reality that due to the inability for the child to have weekend parenting time with the non-custodial parent during the school year because of the distance in terms of hours of travel or miles to travel and the cost for transportation, the parenting time will occur on extended holidays, long breaks from the academic calendar (e.g. Fall break, Spring break), and during the summer months.

(b) Long Distance Transportation:

If the non-custodial parent wants the child to travel by plane, train, or bus, the custodial parent shall deliver and pick-up the child at the nearest "local" airport with connecting flights to an international airport, train station, or bus station. A child younger than age eight should not be travelling alone unless it is a non-stop transportation that provides child supervision services, otherwise, all children under age 8 should be accompanied by a parent or a mutually agreed upon adult known to the child.