



A GUIDE TO SAFETY FOCUSED PARENTING PLANS

**Developed by the Parental Involvement and Outreach Subcommittee of the
Oregon State Family Law Advisory Council, May, 2026**

Note to users - If while reading this document you get flooded or triggered consider working with outside resources such as a counselor, Court Navigator, or Domestic Violence Resource Council (DVRC) to assist you in drafting a parenting plan. Similarly, if there are serious concerns about a parent's safety outside the presence of the children, the parent should consider contacting DVRC and/or law enforcement, since a safety-focused parenting plan may not resolve all of the issues.

Table of Contents

What is a Parenting Plan?	3
What is a Safety Focused Parenting Plan?	4
Parenting Disagreement vs. Safety Concern.....	5
What if I Need a Court-Ordered Parenting Plan?	6
Types of Safety Threats	7
Concerns about physical safety due to intimate partner violence and related behaviors	8
Some safety-focused parenting plan provisions	10
Rules related to parenting time exchanges	11
Special Needs: Child health issues, medications, and special care plans	12
Parent Substance Abuse	14
Mental Health.....	17
Abuse of a Child.....	19
Information About Supervised Parenting Time	19
What Other Help is Available to Me?.....	21

What is a Parenting Plan?

Every child custody case filed in an Oregon court must have a parenting plan - a written plan that says how much time the children will spend with each parent. **Legal Custody** is the authority to make major life decisions for your child (who will be the child's doctor, what school they will attend, etc.). The court may award joint custody if both parties agree to share that responsibility. Otherwise, the court must award sole custody (decision-making authority) to one parent. Custody, whether sole or joint, is not the same as parenting time. "**Parenting time**" refers to the schedule saying when children spend time with each parent. Parenting plans are not the same as custody – regardless of whether parents have joint custody or one parent has sole custody, they will need a parenting plan. Parents can have a lot of input into their parenting plan. Parenting plans can be very detailed, or more general.

For some families, it may be simple to write a parenting plan; the parents agree about most parenting issues and agree how the children will split their time between both parents. For other families, however, this can be more challenging.

The Oregon Judicial Department provides materials to help parents create parenting plans that fit their families and that are age-appropriate for their children. These materials can be found at [Oregon Judicial Department Parenting Plans Webpage](#) and include:

- A Basic Parenting Plan,
- A Parenting Plan for Young Children, and
- Safety-Focused Parenting Plans

Many county court systems offer free or low-cost family mediation where parents can meet with a neutral professional or mediator to help them write their parenting plan. If it is safe to do so, parties are encouraged to engage in good faith in mediation to try to work out disagreements about parenting plans.

What is a Safety Focused Parenting Plan?

Some families have safety concerns that they want addressed in their parenting plan. These concerns may be about the other parent's behavior, the other parent's home environment, or other issues that may impact a parent's ability to safely meet a child's needs. Some parents may be unsure if their concerns rise to the level of needing a safety-focused parenting plan or they may need guidance on what information the court may want to know about their safety concerns.

This guide is meant to help families who either know that a safety-focused parenting plan is needed, or who think that one might be needed or helpful to their family. This guide will help parents think about which safety provisions they might want to include in their plan.

This document provides information, not legal advice. If you feel you need legal advice, you should contact an attorney with experience in family law. [Oregon State Bar Lawyer Referral Service](#)

Parenting Disagreement vs. Safety Concern

Oregon law is based on the principle that it is generally in the best interest of children to have healthy and continuing relationships with both parents, as long as each parent has the willingness and ability to act in the best interests of their children. Sometimes, however, safety issues require special rules about how parenting time will occur and be managed.

Every family is unique. Sometimes the conduct or circumstances of the other parent can be upsetting or disagreeable or cause worry but don't necessarily rise to the level of a safety threat. Sometimes the issue of concern may be outside the scope of what a court is able to address in court orders.

Parenting plans, including safety provisions, can only be enforced by the court when they are included in a court order or judgment. Parents can make changes to a court-ordered parenting plan with joint agreement. If they cannot agree, the parents can ask the court to order changes to the parenting plan (this is called asking for a "modification").

To show a judge that a safety focused parenting plan is needed, you must clearly identify the behaviors or circumstances of the other parent that are causing the safety risk. Saying you "have concerns" is not enough. You must identify, and present evidence about, your concerns, and show how the other parent's behavior, attitudes, circumstances, or actions are threatening your safety, or the safety and wellbeing of the children.

What if I Need a Court-Ordered Parenting Plan?

If you and the other parent are unable to agree on a parenting plan and you want a court-ordered plan, you or the other parent will need to bring your concerns to the attention of the court by filing a petition asking the court to make decisions about custody and parenting time. A judge will hold a hearing to receive evidence from both parties, hear from each parent about what parenting plan they think the court should order, and then decide on a parenting plan that the judge finds to be in the child's best interest. This guide can help you think about which safety-focused parenting plan provisions you may want to request in mediation or ask the judge to order.

Types of Safety Threats

The following are common behaviors and circumstances that can pose a safety threat to children or their parents if special rules are not in place. The sections below include:

- Intimate partner violence (also called “Domestic Violence” or “DV”);
- Child needs, including medical, behavioral, psychological, and emotional needs;
- Parent substance abuse;
- Inadequately managed parent mental health issues.

Please note that child physical and sexual abuse and neglect also require safety-focused parenting plans. However, these issues are managed by law enforcement and DHS. As a result, they are beyond the scope of this guide.

Concerns about physical safety due to intimate partner violence and related behaviors

The following is not intended to be an exhaustive guide about the safety threats posed by intimate partner violence (domestic violence) and how to best manage those threats. In addition to the safety clauses listed below that could be included in your parenting plan, please know that the following resources are available: [Domestic Violence Services in Oregon](#)

Here are some circumstances that may warrant concern about co-parent and child safety from intimate partner violence (DV) and which may suggest the need for a safety-focused parenting plan:

- Does the other parent have a history of protection (restraining) orders issued against them?
- Has the other parent been arrested or convicted of interpersonal violence-related charges, such as domestic violence assault, harassment, menacing, strangulation, coercion, interfering with making a 911 call, etc.?
- Has the other parent been physically abusive to you (pushed, slapped, kicked, etc.) or to your child(ren)?
- Has the other parent used a weapon against you or threatened to use a weapon?
- Has the other parent forced you to have sexual contact when you did not want to?
- Has the other parent strangled you or otherwise restricted your breathing?
- Has the other parent been threatening or violent during exchanges of the children?
- Has the other parent intentionally destroyed your property?
- Has the other parent made explicit threats of physical violence in person or in emails, texts, or phone calls?
- Has the other parent harmed or threatened to harm your pet as a way to make you afraid or control you?
- Has the other parent threatened to harm themselves or the children?
- Has the other parent been present when they had no reason to be there?
- Has the other parent harassed you in your personal or professional activities?

- Has the other parent followed you from a location?
- Does the other parent have access to firearms (in combination with any of the above...)?

Some safety-focused parenting plan provisions

A judge may order specific safety rules if they receive evidence that the welfare of the children or a parent has been endangered, including when the children have witnessed emotionally abusive adult conflict, power and control dynamics, and/or violence in the home. Safety provisions might include:

- Rules about when parents may contact one another about the children and when they cannot, including a requirement that any parent-to-parent communication happen outside of the earshot of the child.
- Limits on contact between parents to text/email only, or through a co-parenting app such as Our Family Wizard, Talking Parents, Custody X Change, App Close, Coparently, Cozi, etc.
- A requirement that any communication between the parents be polite, respectful, and child focused. There is some standard language for this that can be seen in [court parenting plans](#).
- A rule that all in-person contact between the parents could be limited or even prohibited, especially when transitioning the children between homes, or at other times when the children are present.
- An order that only one parent may be present at the child's school functions, medical appointments, sports events, etc., or that the parties not have contact during such functions (and remain a specified distance apart).
- That the abusive parent enter, successfully complete, and benefit from intimate partner violence related services such as batter's intervention.
- That the abusive parent refrain from exercising parenting time or have only supervised parenting time until they can show they are addressing the unsafe behavior.

Rules related to parenting time exchanges

Rules can be ordered for the transportation of children and for parenting time exchanges (pick-ups and drop offs). Parents must always transport children safely, and children always benefit when parents behave cordially and respectfully with each other at parenting time exchanges. Although this is always true, sometimes it is helpful to have it explicitly spelled out in a parenting plan. Research shows that exposure to intense adult conflict is harmful to children. Reducing the level of conflict between parents is always a priority for the court.

The parties may agree on rules for parenting time exchanges or such rules may be ordered by a judge. Examples:

- Exchange the children at the parent's respective homes on the doorstep, in the driveway, or near the street curbside.
- Exchange the children at an agreed-upon neutral location such as the child's school, a restaurant, a grocery store, a church, or a friend's home.
- Exchange the children at a safe exchange center. (Some communities have such centers, others do not).
- Exchange the children at the site of parenting time supervision. (See below for more on supervised parenting time).
- Require the parent who is picking up or dropping off the child stay in their vehicle.
- Exchange the children only when a neutral third-party observer is present.
- Require that one of the parents not attend exchanges of the children.
- Require that a third party handle the exchanges.
- Do not permit discussion of parenting time conflicts or other adult issues during exchanges.

The Court may include in the order that the parents must always be polite, respectful and child focused at parenting time exchanges, and that they not expose the child to adult conflict during these contacts.

Special Needs: Child health issues, medications, and special care plans

Some children have special medical, behavioral, and mental health needs, or require other special care. If a professional such as a doctor, psychologist, mental health worker, or other treatment provider has made specific recommendations that should be followed to help the child function at home and in school, it is important that both parents follow those recommendations. In some cases, if a judge is shown credible (reliable) evidence that a parent is unwilling or unable to provide needed care for a child, parenting time may be changed or restricted to ensure that the child's special needs will be reliably met.

Safety focused provisions based on a child's special needs may be included in a parenting plan by agreement, mediation, or court order.

Examples of what may need to be established in court for a judge to order safety-focused provisions may include the following:

- Rejects credible professional diagnoses regarding a child's conditions or recommended treatment plan, including things such as appropriate vaccines, medications or other unique healthcare directives.
- Is unable or refuses to consistently follow the recommendations of professionals regarding the child's special care needs.
- Has been unwilling, unable, or inconsistent in supporting the child's necessary mental health therapy.
- Objects to or interferes with a child's necessary care appointments.
- Is unwilling or unable to consistently provide the child needed care or assistance.

Some examples of rules that might be agreed upon or ordered by a judge:

- The parent shall educate themselves about the child's unique needs, such as consulting with professionals, working with the child's care team, reading recommended literature, etc.
- Communication: Each parent shall immediately notify the other parent about any emergency circumstances or substantial changes in the health of the children. These emergency circumstances and/or substantial changes include, but are not limited to, the following: taking the child to the hospital, urgent care, or emergency room, a broken bone, a concussion, a fever of 100 degrees or higher, vomiting, or physical injury requiring restriction to bed or other types of

immobilization.

- Medications: Both parents shall give the child all prescribed medications as ordered by the child's care providers. If needed, medications shall be exchanged when the child transitions between the parents.
- Appointments: The child shall be brought to all scheduled care appointments, regardless of which parent is having parenting time. A judge may order that only one of the parents will schedule or attend the child's care appointments. A judge may order rules about parent conduct at appointments if it is appropriate to allow both parents to attend.
- Recommendations by professionals: Both parents shall follow all recommendations made by professionals regarding the child's care.
- If a child's special needs require a specific approach to discipline, the judge may require the parent to get parenting skills education and training and may limit the types of parenting and discipline approaches the parents may use.

Parent Substance Abuse

All parents are encouraged to limit the use of alcohol and other intoxicating substances during their parenting time and are always required to follow all Oregon laws about transporting children safely.

Parents are generally allowed to make personal decisions about legal substance use, such as alcohol and marijuana, while their children are not with them. Parents who abuse substances may require additional safety provisions even if they are able to maintain sobriety during parenting time.

Questions to ask when considering whether to include safety focused provisions in your parenting plan due to the other parent's problematic alcohol or other substance use:

- Has the other parent been unsafe with the children while using substances during their parenting time?
- Is there a documented history of the other parent overusing substances around the children that is recent or for which that parent has not taken steps to treat or change?
- Has the other parent been arrested for driving under the influence of intoxicants (DUI)? Do you have reason to believe that they might drive intoxicated with the children in their vehicle?
- Has the other parent gone through substance use treatment but returned to problematic substance use?
- Were they unable to complete substance use treatment?
- Have you smelled alcohol on the other parent's breath at parenting time exchanges or observed signs of intoxication such as slurring words, slow or speedy speech patterns, decreased alertness or hyper alertness, uncoordinated physical movements, irritability or changes in mood, memory problems, problems thinking clearly, or unusual drowsiness?
- Has the other parent lost their job due to alcohol or substance use?
- Has the other parent been unable to get the children to school or other activities due to substance use?
- Have you seen dangerous drugs or drug paraphernalia in the other parent's car or home?
- Have you noticed and been concerned about an unusual amount of alcohol or alcoholic beverage containers in the other parent's home or vehicle?

Parents may agree in mediation to some of the safety rules below. In court, a judge may order these conditions if they receive evidence that the welfare of the children has been, or may be, endangered due to alcohol or other substance use. The evidence might include:

- Recent arrests for driving while intoxicated.
- Police contact while intoxicated.
- Credible witness testimony of a parent being intoxicated during parenting time.
- Reports from involved professionals, such as staff at the child's school, documenting concerns about the child's safety.
- Other credible reports that the parent is behaving in abusive, negligent, or erratic ways with the children present due to alcohol or other substance use.
- Recent, relevant, or recurring intoxicated behavior around the children that the non-substance abusing parent has personally witnessed.

Some examples of rules to consider asking for, or that a judge might order:

- For the other parent to not use substances, including alcohol, to the point of being intoxicated or adversely affected by the substance.
- A requirement that the parent not use intoxicating substances at all during their time with the children.
- That the other parent be evaluated for substance use concerns and, if indicated, receive treatment.
- For the parent with a substance use disorder ("SUD") to enter and successfully complete a certified SUD treatment program, and to follow all recommendations of their treatment provider, including aftercare and other post-treatment sobriety supports.
- To require the parent in treatment to sign a release of information ("ROI") to allow communication between the concerned parent and the other parent's SUD evaluator and/or treatment provider.
- To appoint a third-party professional to monitor and confirm that treatment is continuing as recommended.
- To use a service or device to monitor substance use during parenting time and to help ensure that the children are being transported safely. For example, [Soberlink](#) can be used to monitor alcohol use.
- To require random, routine, or for-cause substance use testing, such as observed urine tests ("urinalysis") and/or hair follicle testing.
- Requiring the parent participating in testing to sign an ROI to allow the concerned parent to get notice of and access to the test details and results.
- For the court to suspend parenting time in the event there is evidence of a return

to substance use. The suspension should continue until the safety of the child can be ensured and the parent has taken steps to address their problematic substance use, such as by reengaging in treatment and other sobriety supports.

- To take specific steps to ensure that children are not exposed to medications, drug paraphernalia or dangerous substances.

Mental Health

A mental health diagnosis alone does not necessarily pose a child safety threat. Continuing mental health treatment is usually seen as a strength and can help ensure that parents are providing attuned and responsive care to the child.

Questions to ask when considering whether to include safety focused parenting plan provisions to protect the children from the other parent's problematic or inadequately addressed mental health issues: Does the other parent have a history of any of the following, or is any of the following happening now?

- Suicidal ideation, threats, or attempts.
- Hospitalization for mental health reasons.
- Diagnosis of a mental health condition that involves behaviors that could endanger child safety.
- Receiving treatment for a mental health condition that involves behaviors that could endanger child safety but not following the recommendations of treatment providers.
- Police contact or criminal court involvement related to a mental health condition, such as aggression or violence resulting from an untreated or inadequately managed mental health condition.
- The parent acts inappropriately (angry, aggressive, threatening, or bizarre, etc.) at parenting time exchanges or during parenting time.
- The parent is unreliable about showing up for parenting time exchanges due to mental health issues.
- Communicates inappropriately/in disturbing ways with adults or the children.
- Displays obsessive, impulsive, erratic, or unpredictable behavior.
- Exhibits recent warning signs or behaviors that you recognize from prior episodes in which the parent's mental health related behavior was unsafe for the children.
- Has recently stopped mental health treatment or medication against the advice of their treatment provider.
- Any of the above in combination with the presence of a firearm or other weapon.

Some factors that the judge might consider when deciding whether to order mental health specific rules in a parenting plan:

- To what extent have the children been exposed to, and are likely to be impacted by, the parent's problematic mental health-related behavior?
- Does the mental health concern cause consistently harmful behavior?
- Is the parent's concerning condition getting worse?
- Has the parent suffering from a problematic or mental health related behavior shown any interest in seeking help?
- Is the parent willing to get help?
- Will treatment adequately manage or eliminate the concerning symptoms?

Some examples of rules to consider or that a judge might order when mental health impacts child safety:

- For the affected parent to start, reengage in, or continue with mental health treatment.
- That the parent take mental health medications as prescribed.
- For the court to appoint an evaluator or treatment professional who can make recommendations to the court and parents about mental health issues and concerns as they relate to parenting time.
- To allow communication between the mental health evaluator and/or treatment provider and the concerned parent and require the other parent to sign a release of information (ROI) to allow such communication.
- To appoint a third-party professional to monitor and confirm that mental health treatment is continuing as recommended.

Abuse of a Child

Cases in which a parent has physically or sexually abused a child can be particularly sensitive and complex. Parenting plans for when a parent has physically or sexually abused a child are generally within the purview of the child welfare system. Parents who are concerned about physical or sexual abuse should consult the following resources:

- [Oregon Dept. of Human Services: Reporting Child Abuse](#)
- [Oregon Child Abuse Solutions](#)
- [CARES NW - Protecting Children Healing Lives](#)

Most of the time when physical or sexual abuse are being addressed. The parenting plan will be ordered by DHS or the judge to prevent parenting time or provide appropriate supervision during parenting time.

Information About Supervised Parenting Time

In cases in which child safety is an issue, a judge may order supervised time if they receive evidence that the welfare of the children has been or may be endangered during a parent's parenting time, and a supervisor is needed to ensure safety during parenting time with a parent. This evidence might include:

- The parent's substance abuse creates safety threats to the children and the parent cannot be relied upon to be substance-free during parenting time.
- The parent has shown extreme aggression or anger towards the child or has engaged in violent conduct of any kind towards family members or others in front of the child and the child is fearful.
- The parent has physically, sexually, or emotionally abused the child.
- The parent's untreated or inadequately managed mental health condition presents identifiable risks to the child (parent allows unsafe people around the child, the child is not being adequately cared for, the parent's behavior is disturbing or frightening to the child, etc.).
- The parent has subjected the other parent to intimate partner violence and supervision of parenting time is needed to ensure the safety of the co-parent or child.
- The parent needs hands-on parent coaching or training to learn about and to meet a child's special needs.

If the parents are unable to agree on safety-focused conditions in a parenting plan, a

judge may decide that supervised parenting time for one parent is necessary for the child's safety. The judge may put in place a supervision order that gives instructions to the supervisor about the rules for supervision, the level of supervision required, about who may provide the supervision (a relative, friend, or professional), about the expectations for the supervisor, and about how long the supervised parenting time order will be in place.

In order for a judge to decide that supervised parenting time is needed, the judge will likely need persuasive evidence of how the child would be unsafe while in the other parent's care without supervision.

Supervision is rarely seen as a long-term solution. Your parenting plan will likely need to include details about what steps the supervised parent must take to address issues of concern in order to progress to unsupervised time. These plans are sometimes called a "progressive plan" or a "step-up plan". You should also be prepared to suggest potential supervisors, or detail how you will identify potential supervisors.

What Other Help is Available to Me?

If you need more assistance, you may be able to make an appointment with a Family Court Facilitator or legal center at your local courthouse. [Oregon Judicial Department: Family Law Facilitators](#) is a link to local facilitation programs throughout Oregon and to regional remote facilitation programs.

If you feel that **mediation** may be helpful to your family, you may be able to access free court-connected mediation to help you develop your parenting plan. Information about mediation services is usually available through the court's Family Law department. You can find information here: [Oregon Judicial Department Alternative Dispute Resolution](#).

You may also wish to consult with or hire an attorney, or seek other types of legal advice, for assistance. Below is a list of sources regarding legal consultation:

- [Oregon State Bar Lawyer Referral Service](#)
- [Oregon Law Help: Free and Low-Cost Help](#)