

**(Only to be used when the parents live less than
225 miles apart.)**

SIXTH JUDICIAL DISTRICT

PARENTING PLAN

*****HOW TO USE THIS PLAN*****

This plan is a guide only. It is the policy of the court to encourage the parties to decide their own parenting time schedule, either between themselves or through mediation, as this is beneficial for all involved. The court will generally approve any schedule agreed upon by the parties. However, if the parties are unable to agree, the following schedule may be used as a basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the court may make provision for more or less parenting time than desired by the parties or as set forth in this rule.

***** NOTICE TO ALL PARENTS *****

Pursuant to ORS 107.101 and 107.149, it is the policy of the State of Oregon to:

- Assure minor children of frequent and continuing contact with parents who have shown the ability to act in the best interests of the child;
- Encourage such parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage;
- Encourage parents to develop their own parenting plan with the assistance of legal and mediation professionals, if necessary;
- Grant parents and courts the widest discretion in developing a parenting plan; and
- Consider the best interests of the child and the safety of the parties in developing a parenting plan.

1. GENERAL INFORMATION:

A. The parents' names are:

_____ (Parent A) and
_____ (Parent B).

B. The Parenting Plan applies to the following child(ren):

| Name | Age |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

C. Parent B shall have parenting time as set forth below and Parent A will have the children at all other times.

D. If the parties live within 70 miles of each other, then each child shall follow the parenting time schedule for his/her age.

E. If the parties live over 70 miles from each other, then each child shall follow the parenting time schedule for the oldest child except summer. For summer parenting, each child shall follow the schedule appropriate for his/her age.

2. DEFINITIONS:

A. The terms “sole custody” and “joint custody” define how parents will handle major decisions about the children. Major decisions include, but are not limited to, decisions about the children’s education, non-emergency health care and religious training. The terms “sole custody” and “joint custody” have nothing to do with the amount of time that children spend with either parent nor do they affect child support calculations. The court cannot order joint custody unless both parties agree.

B. “Weekend parenting time” is the first and third and, when there is one, the fifth weekend of each month from 6:00 p.m. the day school adjourns that week until 6:00 p.m. the day before school resumes the following week.

C. The “weekend” begins with the first Friday of the month.

3. NEWBORN TO SIX MONTHS:

A. Weekly: three days per week for a three-hour block of time which coincides with **Parent B’s** non-work hours.

B. Holidays:

(1) In even-numbered years:

(a) Christmas: December 25 from 9 a.m. until 6 p.m.

(2) In odd-numbered years:

(a) Thanksgiving: Thanksgiving Day from 9 a.m. until 6 p.m.

(b) Christmas: December 24 from 9 a.m. until 6 p.m.

4. SIX MONTHS TO TWENTY-FOUR MONTHS:

A. Weekly:

(1) Two days per week for a three-hour block of time to coincide with **Parent B's** non-work hours; and

(2) One twenty-four hour block of time per week.

B. Holidays:

(1) In even-numbered years:

(a) Fourth of July: July 4th from 9 a.m. until 6 p.m.

(b) Christmas: December 25 from 9 a.m. until 8 p.m.

(2) In odd-numbered years:

(a) Thanksgiving: Thanksgiving day from 9 a.m. until 8 p.m.

(b) Christmas: December 24 from 9 a.m. until 8 p.m.

(c) Child's birthday: from 9 a.m. until 6 p.m.

C. Every year:

(1) Mother's Day: Mother shall have the child(ren) from 9 a.m. until 6 p.m.

(2) Father's Day: Father shall have the child(ren) from 9 a.m. until 6 p.m.

5. TWENTY-FOUR TO THIRTY-SIX MONTHS:

A. Weekly:

- (1) A three-hour visit to coincide with Parent B's non-work hours. This visit shall end no later than 8 p.m.
- (2) The first and third or second and fourth weekends from 9 a.m. Saturday to 6 p.m. Sunday.

B. Holidays:

- (1) In even-numbered years:
 - (a) Fourth of July: July 4th from 9 a.m. until July 5th at 6 p.m.
 - (b) Christmas: December 25 at 9 a.m. until December 27 at 6 p.m.
- (2) In odd-numbered years:
 - (a) Child's birthday: from 9 a.m. until 6 p.m.
 - (b) Thanksgiving: 9 a.m. on Thanksgiving day until Friday at 6 p.m.
 - (c) Christmas: December 23 at 9 a.m. until December 25 at 6 p.m.

C. Every year:

- (1) Mother's Day: Mother shall have the child(ren) from 9 a.m. until 6 p.m.
- (2) Father's Day: Father shall have the child(ren) from 9 a.m. until 6 p.m.

6. OVER 36 MONTHS:

A. Weekly:

- (1) The first and third, and when applicable, fifth weekends to include all contiguous federal, state or school holidays.
- (2) Alternating Mondays on the Monday preceding Parent B's alternating weekend with the child(ren), from either after school or after Parent B is off work, whichever occurs later, and ending at 8 p.m.

B. Holidays and Vacations:

(1) In even-numbered years:

- (a) Fourth of July: From July 4th at 9 a.m. until July 5th at 6 p.m.
- (b) Christmas: Beginning at 6 p.m. the day school adjourns until noon on December 26.

(2) In odd-numbered years:

- (a) Thanksgiving: Commencing on Wednesday at 6 p.m. until the following Sunday at 6 p.m.
- (b) Christmas: Beginning at noon on December 26 until noon the day before school resumes.
- (c) Spring Vacation: Whether or not the child(ren) is/are enrolled in school, commencing 6 p.m. the day school adjourns and ending at 6 p.m. the day before school resumes.
- (d) Child's Birthday: If the child's birthday is not on a school day, parenting time shall commence at 9 a.m. and end at 6 p.m. If the child's birthday falls on a school day, parenting time shall commence from the time school lets out until 8 p.m.

C. Every year:

(1) Summer Vacation:

(a) Age 36 months to 5 years: Parent B shall have four weeks, to be divided into two, two-week blocks, and separated by at least two weeks.

(b) Ages five (5) or six (6): Parent B shall have six weeks, to be divided into two, three-week blocks of time and separated by at least one week.

(c) Age seven (7) and older: Parent B shall have six continuous weeks of summer parenting time; Parent A shall have parenting time with the child(ren) for the remainder of the summer. Each parent is allowed one weekend of parenting time during the other parents' block of summer parenting time.

(d) Before May 1 of each year, Parent B shall notify Parent A, in writing, of the dates of parenting time. Parent A has the right to choose the inclusive dates for the parenting time when Parent B has not given notice before May 1. However, Parent A shall provide Parent B with at least two weeks' notice of Parent B's summer parenting time. Summer parenting time shall end at least seven days prior to the child(ren)'s first day of school.

(2) Mother's Day: Mother shall have the child(ren) beginning at 6 p.m. Friday until 6 p.m. Sunday.

(3) Father's Day: Father shall have the child(ren) beginning at 6 p.m. Friday until 6 p.m. Sunday.

D. Non-assigned times

(1) Regardless of the child's age, Parent A, upon providing 30 days advance written notice to Parent B, shall be permitted one week every six months of uninterrupted time with the child(ren) which does not interfere with Parent B's holiday schedule. This week will supercede Parent B's weekly or weekend parenting time.

7. PARENTING TIME CALCULATION

A. The table below indicates the average number of overnights that each parent will have the children each year. Significant overnight time with Parent B may influence child support calculations. The Oregon Child Support Calculator is available at www.dcs.state.or.us/calculator.

| Ages of Children | Overnights with Parent A | Overnights with Parent B |
|----------------------------|--------------------------|--------------------------|
| Birth to Six months | 365 | 0 |
| Six months to 24 months | 313 | 52 |
| 24 months to 36 months | 315 | 50 |
| 36 months to 5 years | [276] <u>273</u> | 92 |
| 5 years to 6 years | 263 | 102 |
| 7 years and up | 263 | 102 |
| 7 years and up** | [241] <u>248</u> | [124] <u>117</u> |

** (for children with a four-day school week)

RULES AND PROCEDURES

8. TRANSPORTATION

A. Pick up and delivery of the child(ren) to and from parenting time shall be prompt so all parties can make plans accordingly. Unless otherwise ordered by the court, Parent B shall pick up the child(ren) from the steps of Parent A's residence, the school, or the childcare provider (whichever is applicable), no earlier than 15 minutes before and not later than 30 minutes after the parenting time starts. Parent A shall pick up the child(ren) at Parent B's residence not later than 15 minutes after the parenting time ends. Should Parent B fail to pick up the child(ren) or call within 60 minutes of the pick up time, Parent A may cancel the visit, except in the event of an unanticipated emergency of Parent B.

B. If one parent has been over 60 minutes late more than three times in one calendar year without prior notification, the non-offending parent has the right to choose that the other parent provide transportation to and from parenting time for the next year.

C. Unless the parties agree otherwise, when parents live more than 70 and less than 225 miles apart, both parents will meet approximately halfway between each parent's residence to exchange the child(ren) or each parent shall pay the costs of transporting the child(ren) to and from parenting time in the same proportion as the "percentage share of income" as listed in the parents' child support computation worksheet. For example, if Parent B's percentage share of income is 70%, then Parent B shall pay 70% of transportation costs and Parent A parent shall pay 30% of transportation costs. The parent with the lower income shall pay no less than 30% of transportation costs. If the parties have agreed to forego child support or if there is no child support computation worksheet, the parents shall equally divide the costs of transportation. Transportation shall be calculated at 45¢ per mile.

C. The parents shall be encouraged to use common sense during inclement weather and shall communicate with each other regarding transportation.

9. PLANNING:

A. Holiday and vacation parenting time occasionally overlap with regular weekly or weekend parenting time. In such instances, the holiday or vacation parenting time shall supersede the conflicting regular weekly or weekend parenting time and may result in a loss of regular weekly or weekend parenting time. The holiday or vacation parenting time does not reduce or eliminate any other parenting time.

B. If Parent B's work schedule does not provide that "weekends" fall on Saturday and Sunday, Parent B's actual days off from work may be substituted at his or her discretion for the otherwise designated "weekend" parenting times. This section only applies to Parent B's regular work schedule. Temporary changes in Parent B's work schedule shall not warrant a substitution.

C. If the child(ren) regularly attends school in a district which is regularly in session Monday through Thursday, Parent B is entitled to weekend parenting time beginning at 6 p.m. on Thursday.

D. If the child(ren) have school on a day following an overnight parenting time with Parent B, the parenting time is conditioned upon Parent B ensuring the child's attendance at school on the aforementioned day.

E. A nursing mother shall be responsible for making necessary arrangements for feeding an infant child in order to accommodate the father's parenting time. The fact that an infant child is being nursed shall not be grounds for cancelling, delaying or in any other way, hindering the father's right to parenting time with the child.

F. Parent A shall have the child(ren) fed and ready on time for parenting time, with sufficient and proper clothes packed and ready for the parenting time.

G. Parent B shall feed the child(ren) the evening meal before returning them from the parenting time. Parent B shall return all clothing that accompanied the child(ren) for the parenting time.

H. In the event a child is ill and unable to visit, Parent A shall allow Parent B a makeup parenting time on the next succeeding weekend.

I. If Parent B fails to exercise parenting time because of illness or any other reason, there will be no makeup parenting time.

J. If a licensed physician has prescribed medication for the children, both parents shall ensure that the medications are delivered and returned with the child and administered as prescribed.

10. PERSONAL PLANS:

A. The child(ren) will not be permitted to determine whether they wish to visit Parent B.

B. Personal plans of Parent A or of the child(ren), school activities, church activities and other similar considerations will not be reasons for failing to follow this parenting time schedule.

11. CHILD'S ACTIVITIES:

A. Each parent shall act reasonably in registering the child(ren) for activities, keeping in mind that neither parent is entitled to schedule activities for the child(ren) which will consistently take place during the other parent's time with the child(ren). However, parents should keep in mind that certain activities, by their nature, may take place during the other parent's weekend.

B. Although neither parent is required to involve a child(ren) in any activity, each parent is encouraged to use his or her best efforts to keep the parties' minor child(ren) involved in athletic events, school functions, lessons, birthday parties, etc., even though those activities may occur during one parent's parenting time. The parents should recognize that limiting the child(ren)'s involvement in activities may deprive the child(ren) of valuable opportunities for growth. Parents are encouraged to use the child(ren)'s activities as an opportunity for the parents to interact with the child(ren), meet the child(ren)'s friends and other families, and have a quality experience with the child(ren).

C. Both parties shall have the unrestricted right to be with the parties' minor child(ren) at school and attend school and extracurricular activities and events. Each parent shall have full access to child(ren)'s school, teachers, school administrators, and leaders of the various activities in which the child(ren) may be involved.

D. Each parent is responsible to keep himself or herself apprised of the child(ren)'s activities.

E. Each parent shall act responsibly and respectfully while attending the child(ren)'s activities and/or events. Neither parent should act in a fashion which would disturb the interaction and relationship of the other parent with the child(ren) and/or other adults present at the activity or event. It is the responsibility of the parent who does not wish to have contact with the other parent at such an activity or event, to remove himself or herself from the activity or event.

12. RELOCATION OF A PARENT:

A. Parents shall provide each other with at least 30 days' prior written notice of any planned relocation more than 70 miles out of the area.

B. Regardless of any decision-making allocation of this Parenting Plan, any relocation of one parent that would disrupt the other parent's scheduled time with the child(ren) shall require a modification of the residential schedule that is mutually agreed upon or is ordered by the court.

C. If the child(ren) shall be staying somewhere other than Parent B's residence, Parent B shall notify Parent A of any emergency contact phone number and where the child will be staying.

13. MEDICAL REASONS:

Substantial medical difficulties of the child(ren) will be considered sufficient for postponement of parenting time.

14. OTHER CONTACT:

A. In addition to parenting time set forth in this parenting time schedule or as otherwise ordered by the court, Parent B has the right to correspond with the child(ren) and to telephone the child(ren) during reasonable hours without interference or monitoring by Parent A or anyone else in any way. Unless otherwise agreed to by the parents, telephone calls between Parent B and the child(ren) shall be limited to:

- (1) No more than three per week; and
- (2) Ten minutes or less for each call.

B. Both parents should be sensitive to the child(ren)'s need to have contact with the other parent as well as the need of the parents to minimize disruptions.

C. Parent A shall be allowed the same communication right during periods of Parent B's parenting time.

D. If there is a significant bond between the parents and the child(ren), each parent shall have the first option to personally provide child care while the other parent is working when not disruptive of the child's school and/or sleep schedules.

E. Both parents shall allow the child(ren) to initiate contact with the other parent at any time. If it involves a long distance call, the parent the child is contacting shall provide a phone card to or accept collect calls from the child.

15. RESTRAINT:

The court restrains and enjoins parents subject to this parenting time schedule from making derogatory comments about the other parent or in any way diminishing the love, respect, and affection that the child has for the other parent.

16. OTHER RIGHTS (ORS 107.154):

Unless otherwise ordered by the court, an order of sole custody to one parent does not deprive the other parent of the following authority:

A. 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;

B. 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;

C. 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 persons and inspect and receive such records;

D. To authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the custodial parent is, for practical purposes, unavailable; or

E. To be the child's conservator, guardian ad litem, or both.

17. PARENTAL NOTIFICATION (ORS 107.164):

Unless otherwise ordered by the court, both parents shall have a continuing responsibility, once a custody or protective order concerning the child is issued, to provide addresses and contact telephone numbers to the other parent and to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child.

18. SCHEDULE DEVIATIONS:

Parents shall put mutually agreed changes to the parenting time schedule in writing so there will be no dispute as to the changes.

19. NON-ASSIGNED TIMES:

Unless otherwise agreed in writing, Parent A is responsible for the child during all times not awarded to Parent B.

20. EXCEPTIONS/ADDITIONS: (PLEASE PRINT LEGIBLY OR TYPE)

*** NOTICE TO ALL PARENTS ***

The terms of child support and parenting time (visitation) orders are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time orders even if you are not receiving child support.

Violation of child support and parenting time orders is punishable by fine, imprisonment or other penalties.

Publicly funded help is available to establish, enforce and modify child support orders. Services to establish paternity are also available. Contact your local district attorney, domestic relations court clerk or the Department of Human Resources (503) 378-5567 for information.

Publicly funded help may be available to establish, enforce or modify parenting time orders. Forms are available to enforce parenting time orders. Contact the family court specialist in the civil office of the local state circuit court.