

November 15, 2015

ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

**LONG DISTANCE PARENTING SCHEDULE
(For parents who live more than 150 miles apart)**

**COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

NOTICE OF INTENT TO EXERCISE PARENTING TIME:

Notice of intent to exercise parenting time must be provided in writing by the non-residential parent at least **thirty (30) days** in advance of the first day of the parenting time. The residential parent must acknowledge the notice within three (3) days of receipt.

If the Court order or decree indicates that the Long Distance Schedule is the order for parenting time, then PARENTING TIME FOR THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARENTS CAN AGREE (these are the most important words). This shall not normally be less than the following:

1. Summer Vacation:

Summer vacation shall be from June 15 to July 31 of each calendar year. These dates cannot be changed except by agreement of both parties or a Court order.

2. School Breaks:

Even-numbered Years

Winter Break

First to last day of break.

Odd-numbered Years

Spring Break

First to last day of break.

Thanksgiving Break

First to last day of break.

WHILE NO SPECIFIC TIMES ARE SET FOR LONG DISTANCE EXCHANGES DUE TO THE NEED FOR FLEXIBILITY IN MAKING TRANSPORTATION ARRANGEMENTS, THE COURT DOES EXPECT PARENTS TO BE REASONABLE IN CONSIDERING THEIR CHILDREN'S NEEDS.

3. Additional Parenting Times:

- a. A once-a-month weekend beginning the third Friday of each month, unless agreed otherwise, if the traveling time for the child does not exceed three (3) hours one-way from home to home. The times are Friday at 7 p.m. to Sunday at 7 p.m. unless agreed otherwise. The residential parent must have at least one (1) week advance notice.
- b. Father's Day or Mother's Day may be spent with the designated parent. The residential parent must have at least one (1) week advance notice.
- c. The non-residential parent who visits the community where the residential parent lives is entitled to parenting time if she/he provides two (2) days advance notice to the residential parent. The parenting time may be outside the presence of the residential parent (unless prohibited by Court order).
- d. The residential parent who brings the child(ren) to the community where the non-residential parent lives must provide two (2) days advance notice and must provide parenting time between the non-residential parent and their child(ren) outside the presence of the residential parent (unless prohibited by Court order).

4. **Transportation:**

THE PARENT COMING INTO POSSESSION OF THE CHILD(REN) IS RESPONSIBLE FOR ARRANGING AND PAYING FOR THE CHILD(REN)'S TRANSPORTATION.

Transportation by Car: Any responsible adult with a valid driver's license well-known to the child(ren) may be utilized to provide transportation. All child restraint laws must be complied with by any person driving the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

Transportation by Airplane: Airline regulations govern the age at which a child may fly unescorted. Airline reservations should be made well in advance and preferably be non-stop. The parent who is taking the child(ren) to the airport must call the other parent immediately upon departure to notify the other parent that the child(ren) will be arriving, and the parent who meets the child(ren) must immediately notify the other parent that they have arrived.

Note: Travel by methods other than car requires each parent to transport the child in a timely fashion to the transportation terminal for departure and pick up. Prior to making the decision on any method of transportation, parents should carefully consider the age of the child(ren), the safety of the child(ren) traveling alone, the child(ren)'s experience traveling alone, and whether an adult should chaperone the travel.

5. **Long Distance Parenting Time Presumptions:**

a. Basis for Schedule

This parenting plan presumes that both parents are good parents and that a child is safe with either parent, based on the evidence before the Court; that both parents respect the right of their child(ren) to have two parents throughout their life for nurturing, continuity, normal development, and emotional and economical support; and that each parent respects the other's right to parent their child(ren).

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Long Distance Parenting Time

Children whose parents live at a considerable distance from each other grow up to be as normal and healthy as children whose parents live in the same community if the parents communicate well, if both parents continue regular contact with the child(ren), and if both parents avoid the use of anger in front of the child(ren) when dealing with or talking about the other parent.

It is normal for a child to have a strong emotional reaction when leaving the residential parent, and an equally strong reaction when leaving the non-residential parent. Parents need to know that this type of emotional response is quite natural and does not mean that the child does not love the other parent or wishes not to see him or her. Parents need to calmly reassure the child that he or she will see the other parent again. A healthy child should adjust to the situation.

Some parents are naturally concerned about a very young child being separated from the residential parent for the extended periods of time set by this schedule. So long as the non-residential parent has an established relationship with the child, the general rule is that the child should spend time with that parent and will adjust to new surroundings with the assistance of both parents. Parents may obtain from the office of the court counselor special information on the unique needs of very small children during parenting time periods.

If a child indicates strong opposition to being with the other parent, it is the responsibility of both parents to calmly talk to the child as to the child's reasons, and to work together to do what is in the child's best interest, particularly avoiding confrontation or unpleasant scenes. If the matter is not settled quickly, either parent should seek the immediate assistance of a mental health professional or court counselor, or file a motion with the Court. No parent should allow a child to decide when or whether parenting time will take place. As uncomfortable as this problem may be for either parent, this issue should not go unresolved. IT IS THE ABSOLUTE, AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT THE CHILD(REN) GO FOR ALL PARENTING TIME, AND THE RESIDENTIAL PARENT SHALL DISCUSS WITH THE CHILD(REN) IN ADVANCE OF THE PARENTING TIME THE IMPORTANCE OF THEIR CONTINUING RELATIONSHIP WITH THE OTHER PARENT.

d. Making Parenting Time a Routine

This schedule presumes that the non-residential parent shall exercise all parenting time periods so long as proper notice is given. The residential parent shall not schedule any plans for the child(ren) which interferes with the non-residential parent's time nor deny the rights set forth in this schedule to the other parent.

e. Missing Parenting Time

The non-residential parent must give notice of intent NOT to have parenting time, as soon as he or she is aware that parenting time is not possible. A parent who cancels parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified, and may be subject to other legal remedies as well, upon motion by the residential parent. Likewise, a parent who denies Court ordered parenting time may have rights modified, and may be subject to other legal remedies as well, upon motion by the non-residential parent.

f. Exchanging the Child(ren)

This schedule presumes that the parents will not exchange the child(ren) before or after the scheduled time, unless the parents agree to do so in advance.

g. Summer School

Summer school which is necessary for a child to pass to the next grade must be completed online or attended at a school in the non-residential parent's school district after receipt of written notice from the residential parent. The non-residential parent must make arrangements with both schools and be certain that documentation of completion is received by the school in the residential parent's community.

h. Child's Activities

Scheduled parenting time must not be delayed because a child wishes to schedule other activities (with friends, work, lessons, sports, etc.) which conflict with the non-residential parent's parenting time. The residential parent shall not schedule or allow a child to schedule any event which conflicts with the times and dates herein, unless the parties agree otherwise. This schedule anticipates that the child will develop new friends and relationships, and have additional activities in a different community which are presumed to be beneficial to the child.

i. Child's Health

As a general rule, if a child is hospitalized or has a serious injury or illness, each parent should be notified. If the child becomes ill or injured while with the non-residential parent, the parent shall secure appropriate treatment and notify the residential parent. Additionally, any allergy or chronic condition suffered by a child must be communicated in writing from the residential to the non-residential parent, including specifics regarding medication or treatment prescribed for the illness or condition. Sufficient medication should be sent. THE NON-RESIDENTIAL PARENT MUST CARE FOR THE CHILD AS DIRECTED.

j. Clothing

The residential parent is responsible for providing sufficient, appropriate, clean clothing for the parenting time period. If planned activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the beginning of the period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be immediately returned at the end of the parenting time.

k. Communication Between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates, or activities. If parents have temporary difficulty

communicating about the needs of their child(ren), they should seek assistance from a neutral third party or a professional and NOT enlist the child to resolve their inability to talk to one another.

When Parents Do Not Communicate With Each Other: Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve the ability to work together for the child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the court counselor or file a motion with the Court to resolve this very serious problem before the damage to the child becomes irreversible.

I. Communication Between Parent and Child

This schedule presumes that frequent and liberal communication between the non-residential parent and the child(ren) is vital in place of regular physical contact which would be available if the parents lived nearer to each other. Unless the parties agree or the Court orders otherwise, there shall be no limit on the number and length of telephone calls (or contacts via letters, email, text messaging, Skype, Facebook or other social media, etc.) from either parent to the child(ren). Each parent must also allow all communication requested by the child(ren) to the other parent. (However, the Court retains the right to limit contact if it finds that it is not in the best interests of the child.)

Telephone calls should take place during the normal hours a child is awake, and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call. If it is the practice of either parent to use a telephone answering device, the parents should agree in advance to calling at a designated time so that the call may be completed. Each parent must always provide a telephone number to the other parent where the child may be reached. The child must be allowed privacy by each parent for the purpose of communicating with the other parent. Each parent must also provide a home address to the other parent at all times, and must guarantee the child receives all letters, cards, emails, voicemails, gifts, etc. that are sent or forwarded as soon as they are received.

Note that due to ongoing, rapid changes in technology, not every conceivable situation can be anticipated or addressed. However, the Court strongly recommends parents consider the age and maturity of their child(ren) and cooperate to make joint decisions regarding the purchasing and use of cell phones and any other technology which may affect communication between a parent and a child. Any likely areas of dispute should be discussed in advance and written into the Court order. Regarding discipline, a parent may rescind the use of a child's cell phone or other technology as a form of discipline without violating a Court order. However, this shall not interfere with the child's regular communication with the other parent.

m. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law and consistent with each other as much as possible, and that each will communicate with the other parent if the child is having a discipline problem. Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreements over appropriate discipline or solutions should seek the assistance of the court counselor or mental health professional. Examples of time for concern are a decline of a child's grades, serious or chronic school problems, dramatic changes in behavior, and delinquency, to name a few.

n. Child's Records

- (1) Both parents are entitled by law to equal access to their children's daycare, school, and medical records unless limited by Court order.
- (2) The residential parent is responsible for taking all necessary action for all recordkeeping purposes to use the birth or adopted name only.
- (3) School Records: The residential parent must list the non-residential parent as a parent of the child, and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent also must provide the non-residential parent with any and all passwords necessary to access the child's academic and extracurricular information online. If the non-residential parent is unable to access the information directly, the residential parent is responsible to personally provide copies of every grade card within five (5) days of receipt, and must personally inform the non-residential parent of all school notices or special activities (i.e., parent-teacher conferences, honors programs, athletic events, school pictures, graduation events,

or any other activity in which the child is involved) as soon as she/he receives notice. The child should not be used to deliver the information.

- (4) Medical Records/Consultation: The residential parent shall, upon request by the non-residential parent, immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child. Both parents are entitled to equal access to their child(ren)'s records, unless limited by Court order.

o. Address and Telephone Numbers

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.

p. Moving

Either parent must notify the other in writing, and the residential parent must also notify the Court, at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after the move, the local schedule applies. If the parents are more than 150 miles apart after the move, the long distance schedule applies. The Ohio Department of Job and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

q. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new family traditions will develop. It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins and any other family members during such times as they are with their parents.

r. Step-parent's Name

A parent should not, nor permit any other person to, suggest, encourage, or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

s. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. Note that a parent may not withhold parenting time because the other parent does not pay child support or refuse to pay child support because the other parent denies parenting time.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule:

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court. The first penalty is a fine not to exceed \$250 and a jail sentence not to exceed thirty (30) days, the second penalty is a fine not to exceed \$500 and a jail sentence not to exceed sixty (60) days, the third penalty is a fine not to exceed \$1,000 and a jail sentence not to exceed ninety (90) days. The Court may also assess attorney fees and Court costs. Other remedies available may include an order for make-up parenting time, an order for the reimbursement of transportation costs, an order for the appointment of (and payment for) a guardian ad litem for the minor child, etc.

t. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI

JUDGE LISA D. MCGOWAN