

January 1, 2008

**ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES
LONG DISTANCE PARENTING SCHEDULE
COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS**

(for parents who live more than 150 miles apart)

If your Court order specifies the Long Distance Schedule as the order of the Court, then the ORDER OF THE COURT IS AS FOLLOWS:

******* - NOTICE OF INTENT TO HAVE PARENTING TIME** - Notice of intent to have the child(ren) for Christmas, Thanksgiving, Spring Break or summer vacation must be provided in writing by the non-residential parent not less than thirty (30) days in advance of the first day of the Parenting time unless the schedule sets a different notice limit. It would be wise for the non-residential parent to telephone the residential parent to make certain that the notice was received within one (1) week of sending the notice.

PARENTING TIME FOR THE NON-RESIDENTIAL / CUSTODIAL 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:

Option 1: (Unless the parties agree to Option 2 or the Court orders Option 2, then Option 1 is the Order of the Court).

(a) Summer vacation shall be from June 15 to August 15 of each calendar year. These dates cannot be changed except by agreement of both parents or Court order.

Even-Numbered Years

Christmas Vacation:

- a. School-aged child*: first day of vacation to Dec. 26.
- b. Pre-schoolers**: Dec. 18 through Dec. 26

Spring Vacation Break:

- a. School-aged Child*: Sixth day of vacation through last day;
- b. Pre-schoolers**: Monday after Easter Sunday through the following Sunday;

Odd-Numbered Years

Thanksgiving:

Wed., after school, Thanksgiving Day, Fri., Sat., and Sunday.

Christmas Vacation:

- a. School-aged child *: Dec. 26 to last day of vacation
- b. Pre-schoolers**: Dec. 26 through Jan 2.

Spring Vacation Break

- a. School-aged child*: First full day of vacation through fifth day
- b. Pre-schoolers**: Sunday before Easter Sunday through Easter Sunday;

Option 2: (The parties must agree to this Option, or the Court must specifically order this option, or Option 1 is the order of the Court).

(a) Summer vacation shall be from June 15, to August 15, of each year. These dates cannot be changed except by agreement of the parents, or a Court order.

Even-Numbered Years

Christmas Vacation

- a. School-aged children*: first to last day of vacation
- b. Pre-schoolers**: December 18 through January 2

Odd-Numbered Years

Spring Vacation Break

- a. School-aged children*: First to last day of vacation
- b. Pre-schoolers**: Sunday before Easter through Easter

* - All school-aged and preschool-aged brothers and sisters of this parent's relationship with each other are included in the exercise of parenting time, unless ordered otherwise.

** - For pre-schoolers who have no school-aged brothers and sisters of this parent's relationship with each other.

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.

1. Additional parenting times

- a. Weekend: 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 residential parent must have at least one week advance notice.

The times are 7 p.m. on Friday, to 7 p.m. on Sunday, unless the parents agree to different times.

- b. Father's or Mother's Day will always be spent with the appropriate parent, if the parent chooses to spend the day with the child(ren). One week's advance notice to the residential parent is necessary.
- c. The non-residential parent who visits the community where the residential parent lives is entitled to parenting time with the child(ren) if the non-residential parent provides two (2) days advance notice to the residential parent. The parenting time may be outside the presence of the residential parent. Frequent and regular visits are highly recommended for pre-school-aged children.
- d. The residential parent who visits the community where the non-residential parent lives and brings their child(ren) must give at least two (2) days advance notice to the other parent, and must provide parenting time between the other parent and their child(ren) outside the presence of the residential parent.
- e. Such other times as agreed upon as follows:

4. Long Distance Parenting (Companionship) Presumptions

- a. Basis for Schedule -

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economical support; and the father and mother each respects the right of the other 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 together if the parents communicate well, and if both parents continue regular contact with their child(ren), avoid 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 to leaving his or her residential parent, and an equally strong reaction when leaving the non-residential parent. Parents need to know that their child's emotional response is natural and that it does not mean that the child does not love the other parent, or wishes not to be returned to that parent. 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 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 his or her parents. The non-residential parent may obtain from the office of the court counselor special information on the unique needs of very small children during lengthy companionship 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 HIS OR HER CHILD(REN) GO FOR ALL PARENTING TIME AND THE RESIDENTIAL PARENT DISCUSSES WITH THE CHILD IN ADVANCE OF THE PARENTING TIME. THE IMPORTANCE OF HIS OR HER CONTINUING RELATIONSHIP WITH THE OTHER PARENT.

d. Non-Residential / Custodial Parent Responsibility -

This schedule presumes that the non-residential parent shall exercise all times and days listed in Option 1 or Option 2, whichever the parties choose or the Court orders, so long as proper notice is given. The residential parent shall not schedule any plans for their child which interferes with the non-residential parent's time nor deny the rights set forth in this schedule to the other parent.

e. Cancellation by Non-residential Parent -

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, unless a last minute emergency occurs. A parent who cancels parenting time forfeits the time.

f. Returning the child(ren) -

This schedule presumes that the non-residential parent will not return the child(ren) before the end of the scheduled time, unless the parents agree in advance; and that the residential parent or other responsible adult well-known to the child(ren) will be present where the child(ren) is returned.

g. Transportation -

The non-residential parent has responsibility for picking up and returning the child(ren).

Travel by methods other than car require the residential parent to transport the child timely to the transportation terminal for departure and for picking up.

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

Transportation by Airplane: Airline regulations govern the age at which a child may fly unescorted. An older child may fly under such regulations as each airline may establish. Airline reservations should be made well in advance, and preferably non-stop. The parent who is taking the child to the airport must call the other parent immediately upon departure to notify the other parent that the child is arriving, and the parent who meets the child must immediately notify the other parent that the child has arrived. Parents should consider in making the decision on this method of transportation whether or not the child may need an adult to chaperon the flight.

Other Methods of Transportation: The parent should carefully consider in using any other method of transportation, the age of the child, the safety of the child traveling alone, and the child's experience in traveling alone, or whether an adult well-known to the child(ren) should be traveling with the child(ren). No method of transportation should be considered which puts the child at risk.

Costs of Transportation: There is no general rule about who pays the costs of transportation, regardless of

which parent no longer lives in the community where the child makes his or her primary residence. Each case is different. The parents need to agree on payment of transportation expense before the first time the child needs to be transported and make their agreement part of their Court order.

h. Clothing-

The residential parent is responsible for providing sufficient appropriate clean clothing for the companionship period including good and play clothes, based on the lifestyle of the residential parent and child. If planned activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance of the companionship 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.

i. Summer School-

Summer school which is necessary for a child to pass to the next grade must be attended at the location of the non-residential home 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 child's school in the residential parent's community.

j. Address and Telephone Numbers-

Each parent must, unless the Court orders otherwise, keep the other informed of his or current address and telephone number, and an alternate telephone number in the event of an emergency. The residential parent must notify the Court of their intent to relocate.

k. 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 parents.

l. Children's Activities-

Scheduled parenting time must not be delayed because a child wishes to schedule other activities with friends, work, lessons, sports, which conflict with the non-residential parent's scheduled time with the child(ren). No residential parent shall 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.

m. Child's Health-

As a general rule, if a child is hospitalized, or has a serious injury or illness, each parent is entitled to be notified. If the child is ill or injured while with the non-residential parent, the parent shall secure appropriate emergency treatment. The residential parent shall be notified. Regularly prescribed medications should be sent (i.e. asthma or allergy medicine). Any health care regime recommended by the child's doctor in case of certain symptoms should be copied and sent in advance of the parenting time.

n. 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 either parenting time or the needs of their child(ren), parents should not enlist the child to resolve the parents' inability to talk to each other.

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 their

ability to work together for their 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 order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

o. Discipline and Changes in Child's Behavior-

It is presumed that parents use methods of discipline consistent with the law, 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.

p. Step-parent 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.

q. Child's Records-

- 1). Name - The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adopted name only.
- 2). School Records - The residential parent is responsible to personally provide copies of every grade card or notice regarding the child within five (5) days of receipt, and may not use the child to deliver the grade cards or notices. 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 must personally inform the other parent of school or special activities, such as parent-teacher conferences, school programs, athletic events, honors program, special ceremonies, school pictures, and graduation events, and any other school activity in which the child is involved as soon as (s)he receives the notice.

Both parents are entitled by law to equal access to their children's records, unless limited by Court order.

The non-residential parent shall have access to the children's day-care center, unless limited by the Court.

- 3). 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 children's records, unless limited by Court order.

r. Communication between Parent and Child-

This schedule presumes that in place of frequent and regular physical contact which would be available if the parents lived nearer to the other, that frequent and liberal communication between the non-residential parent and his or her child(ren) is vital. Unless the parties agree or the Court orders otherwise, there shall be no limit on the number and length of telephone calls from either parent to his or her child (but the Court retains the right to limit phone calls if it finds that it is not in the best interests of the child for the other parent to have unlimited privileges, if the calls are disruptive to the child, for the purpose of interrogating the child concerning the other parent, or the calls are for harassing the other parent). If it is the practice of the residential parent to use a telephone answering device, the parents should agree in advance when the other parent will call 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.

Each parent must provide all letters, e-mails, audio tapes, video tapes, dvd's, cd's, gifts, cards, voice mails and any written communication from the other parent to the child as soon as it is received, and must provide a home address to the other parent at all times.

Each parent must also allow all communications requested by the child in his or her home to other parent (excluding telephone calls for which the parent would be charged).

The child must be allowed privacy by each parent for the purpose of communicating with the other.

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. A parent may not withhold parenting time because the other parent does not obey a Court order, for instance, to pay support, or medical bills, etc.

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 penalty for which is a fine not to exceed \$250.00, and a jail sentence not to exceed ten days for each separate act of contempt. The Court may also assess attorney fees and Court costs, order the appointment of a guardian ad litem (attorney) for the minor child, and payment of the guardian ad litem's fee. The Court may order the reimbursement of transportation costs, and make-up parenting time, in addition to any other remedy available at law.

t. Moving-

Either parent must notify the other in writing 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 Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

u. Modifying this Order-

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

JUDGE DAVID LEWANDOWSKI

JUDGE NORMAN G. ZEMMELMAN