

APPENDIX B

Supplementary Local Rule 8.075 Version 4

UNIFORM PARENTING PLAN

1. Introduction:

Oregon law encourages parents to remain involved with their children because both parents are important to a child's growth and development. Parents are required to adopt a parenting plan which assures a child's continuing contact with both parents. The plan should take into account evidence of drug and alcohol abuse, domestic violence, and any other unique circumstances of the family.

The Court feels strongly that the best parenting plan is one created by the parents who will follow it. We expect and encourage parents to create their own parenting plan, taking into consideration the schedules and needs of each family member. This plan is a last resort, and should only be used when the parents or the court cannot create a more appropriate plan for the family.

During this process, it is important for parents to attempt to minimize the amount of conflict the children are exposed to, because research has shown that children that are exposed to conflict are at increased risk for behavior problems, anxiety and depression. Parents involved in high levels of conflict should consider including provisions in the parenting plan that reduce conflict. For example, parents can be specific about what times the child will be with each parent, methods of exchanging the child, and any other areas that might be subject to dispute later. The parents may choose to exchange the child at a neutral location, such as a fast food restaurant or a supervised visitation center. In addition, parents should not communicate through the child, and should consider whether there are easier ways to communicate, such as through e-mail. For more suggestions, please request "Checklist for Creating Parenting Plans that Reduce Conflict" from Dissolution Resource Services on the first floor of the Courthouse, or from the mediator or judge assigned to your case.

This rule uses the terms "custodial parent" and "non-custodial parent" as a way to identify two separate parents. It does not mean that one parent is prevented from playing an active role in the child's life. Parents are encouraged to be flexible and to consider what is best for their child when arranging parenting time. Marion County may be able to provide free mediation services to help resolve custody and parenting time conflicts.

Marion County's Local Court Rule 8.075 has been changed many times over the years. This version does not automatically replace existing orders written when earlier versions of the rule were in effect. This version of Rule 8.075 is effective for court orders which are put in place after the adoption date noted below.

2. **Definitions:**

"Child" includes all minor children referred to in the Judgment or Order.

"Custodial parent" refers to the parent awarded sole custody by the court's judgment or order. That parent is the child's primary residential parent if joint custody is awarded.

"Non-custodial parent" refers to the parent who is not the custodial parent as defined above.

"Parenting time" replaces the word "visitation". Each parent actually parents the child while the child is with that parent. Parenting time describes the schedule by which the child spends time with each parent.

"Number of overnights" For purposes of calculating child support, refers to a Sunday return following weekend parenting time results in 92 overnights per year for the non-residential parent and a Monday return results in 107.5 overnights per year for the non-residential parent.

3. **Parenting Time Provisions:**

3.1 **Weekends:** The child shall be with the non-custodial parent every other weekend, beginning on Friday night at 7:00 p.m. and ending the following Monday morning.

3.1.1 The non-custodial parent shall feed the child breakfast on Monday morning and deliver the child no later than 9:00 a.m. to the child's home or day care. The non-custodial parent shall feed a school age child breakfast and deliver the child to school in time for the child's first class.

3.1.2 Parents may agree to vary this weekend schedule provided the agreement is in writing. For example, parents may agree to end weekends on Sunday night at 7 p.m. rather than Monday morning or that the child is to be dropped off Monday morning at the custodial parent's home rather than at the child's school.

3.1.3 The child shall be with the non-custodial parent until Tuesday morning if that parent's weekend falls on a weekend during the school year on which the next Monday is a state or federally recognized holiday on which there is no school.

3.1.4 The alternate weekend parenting time schedule shall rotate each year as follows:

3.1.4.1 The non-custodial parent's first weekend in *even numbered years* shall begin at 7:00 p.m. on the Friday of Labor Day Weekend and end Monday night at 7:30 p.m.

3.1.4.2 The non-custodial parent's first weekend in *odd numbered years* shall begin on the first Friday *following* the Labor Day Weekend.

3.2 Mid-week Time with the Child

- 3.2.1 The child shall be with the non-custodial parent every other Wednesday. The time shall begin at 5:00 p.m. and end at 8:00 p.m. if the child is in school and begin at 10:00 a.m. and end at 7:30 p.m. if the child is not in school.
- 3.2.2 The first alternate Wednesday shall follow the non-custodial parent's first weekend with the child in September each year.

3.3 Winter Vacation

- 3.3.1 The child shall be with the non-custodial parent in *even numbered years* beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25. The child shall be with the custodial parent for the remainder of the child's winter vacation.
- 3.3.2 The child shall be with the custodial parent in *odd numbered years* beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25. The child shall be with the non-custodial parent for the remainder of the child's winter vacation until 7:00 p.m. on the day before school resumes.
- 3.3.3 The alternate weekend and alternate Wednesday parenting time schedule shall not operate during the winter vacation period.
- 3.3.4 The winter vacation schedule in the public school district in which the child lives shall be followed if the child is not attending school.

3.4 Summer Vacation

- 3.4.1 The child shall spend alternating two-week blocks of time with each parent during the school's recess for summer vacation. The summer vacation schedule in the public school district in which the child lives shall be followed if the child is not attending school.
 - 3.4.1.1 The child shall spend the first two-week block of time in *even numbered years* with the non-custodial parent beginning at 7:00 p.m. on the first Friday following the recess of school for the summer. The child shall spend the next two weeks with the custodial parent, then two weeks with the non-custodial parent, and so on throughout the remainder of the summer.
 - 3.4.1.2 The alternating two week schedule shall begin in *odd numbered years* with the non-custodial parent beginning at 7:00 p.m. on the third Friday following the recess of school for the summer. The custodial parent will have the first two weeks.
- 3.4.2 The summer schedule shall end at 7 p.m. on the Friday of Labor Day Weekend even if this cuts short a parent's two-week block of time. The provisions of paragraph 3.1.4 dictate which parent will have the child over the Labor Day weekend.
- 3.4.3 The alternate weekend and alternate Wednesday parenting time schedule shall not operate during the summer vacation period. However, children 30 months or younger shall spend four hours on Wednesday of each week with the other parent during the other parent's two week block of time.

4. **Other Holidays, Events and Vacation Days:**

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

Thanksgiving Vacation: Custodial parent - odd years
Non-custodial parent - even years

The **Thanksgiving Holiday** begins on Wednesday at 7:00 p.m. and ends on the following Sunday at 7:00 p.m.

Halloween: Custodial parent - even years
Non-custodial parent - odd years

Halloween begins on October 31st at 5:30 p.m. and ends at 9:00 p.m.

Spring Vacation: Custodial parent - even years
Non-custodial parent - odd years

Spring Vacation begins at 10:00 a.m. on the day after school adjourns and ends on the Monday morning school resumes whether or not the child is in school.

Mother's Day: Always with mother beginning at 10:00 a.m. on Sunday and ending at 7:00 p.m. the same day.

Father's Day: Always with father beginning at 10:00 a.m. on Sunday and ending at 7:00p.m. the same day.

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

Birthdays:

Child's Birthday: Custodial parent - even years
Non-custodial parent - odd years

Mother's Birthday: Always with mother, at mother's option

Father's Birthday: Always with father, at father's option

Birthday's which fall on a school day begin at 5:00 p.m. and end at 8:00 p.m. The Birthday will begin at 10:00 a.m. and end at 7:00 p.m. if it falls on a non-school day.

5. **Long Distance and Out-of-State Parenting Time Suggestions:**

5.1 The parenting plan outlined in this rule is practical in terms of time and distance for parents who live within 75 miles of each other. The schedule may not work for parents who live more than 75 miles apart. It is not possible to write a standard parenting schedule for parents who live a long distance from each other because each situation is different. Parents are encouraged to include a "long distance" parenting schedule in their parenting plan if a move is anticipated. The following

are non-binding suggestions for parents and the court to consider in establishing a "long distance" schedule.

- 5.1.1 Which parent is moving, the non-custodial parent or the custodial parent and child?
- 5.1.2 Why does the parent want to move?
- 5.1.3 Why is the non-custodial parent resisting the move?
- 5.1.4 Will the child's move improve the child's and moving parent's quality of life?
- 5.1.5 Is it possible to fashion a new and reasonable parenting schedule which makes adjustments for the distance between the parents?
- 5.1.6 Is the non-custodial parent who opposed the child's move seeking a change of custody and if so, whether any of the provisions of law concerning modification of custody are present?
- 5.1.7 What practical effect will an order denying the request to move the child have including, but not limited to, the emotional harm to the child of having reduced contact with the parent effected by the move? The child's age, activities, location of extended family, friends and support group all having a bearing on this question.
- 5.1.8 Did the moving parent provide enough advance notice to the other parent?
- 5.1.9 How involved has each parent been in the child's life?
- 5.1.10 What additional costs will there be for the child to spend time with each parent, which parent's move is causing that cost and which parent is prepared to pay the additional costs?
- 5.1.11 What effort has the moving parent made to suggest a reasonable parenting schedule which addresses the non-moving parent's legitimate concerns?
- 5.1.12 What efforts will each parent likely make, based on that parent's record to that point, to encourage the relationship between the child and parent who will be impacted by the child's move?
- 5.2 An existing court ordered visitation or parenting schedule is binding on both parents unless or until a court decides otherwise. This effectively places a burden on a parent who is moving a child's residence to change the existing parenting schedule if the non-moving parent objects to the move or no agreement can be reached on the terms of a long distance parenting schedule. Any agreed change to an existing parenting schedule should be reduced to writing, signed by both parents and submitted to the court with a place for the judge to sign to make the writing effective as a modification judgment.

6. Rules Relating to The Use of Parenting Time

- 6.1 **Personal Plans.** Personal plans of the custodial parent or child, (for example, school or church activities) do not justify a parent's failure to follow the parenting time schedule.

- 6.2 **Delivery and Pick-up.** All parenting time shall take place in a prompt manner. The following delivery and pick up rule shall apply to parents who live 75 or less miles apart (or within a distance that allows for exercising alternating weekend parenting time).
- 6.2.1 The non-custodial parent shall pick up the child to begin the parenting time.
- 6.2.2 The non-custodial parent shall be responsible for returning the child to end the parenting time if that return is taking place on a Monday morning as contemplated by this rule. The custodial parent shall pick up the child to end the parenting time if that time ends in the evening. This places an additional transportation burden on a parent who wishes to have the child stay the additional overnight (usually Sunday).
- 6.2.3 Unless otherwise agreed or ordered by the court, pick up and delivery shall occur no more than 15 minutes before or 15 minutes after the time set for parenting time to begin and end.
- 6.2.4 This rule's reference to a "parent" as the individual responsible for pickup and delivery should not be taken literally. Other individuals known to the child such as grandparents, step-parents, live in girl\boyfriends, etc. are authorized to transport the child.
- 6.3 **No Shows and Make-Ups.** Only medical reasons will be considered sufficient for postponement of parenting time. A makeup time shall occur on the following weekend if a child is ill and unable to visit. There will be no makeup parenting time if the non-custodial parent misses a scheduled time with the child. The illness of one child does not mean that the other children's time is also canceled.
- 6.3.1 Some non-custodial parents have a history of not using their scheduled weekends (for example: one "no show" per month for 3 months). The custodial parent may advise the non-custodial parent in writing that the next following regularly-scheduled parenting time will be canceled unless the non-custodial parent gives at least three days advance notice that he or she will use the scheduled weekend parenting time if this problem exists.
- 6.3.2 Canceling the next regularly-scheduled parenting time should not be done lightly and should not be done by the custodial parent unless there is a regular history of missed parenting time.
- 6.4 **Non-assigned time.** Unless otherwise agreed in writing, the custodial parent is responsible for the child during all times that the child is not scheduled to be with the non-custodial parent. This does *not* mean that either parent is restricted from attending public events where the child is in attendance such as school programs and athletic events.
- 6.5 **Meals & Clothes.** The custodial parent shall have the child fed, sufficient clothing packed, and on time for all exchanges. The non-custodial parent shall return *all* clothing and feed the child before returning the child from the parenting time period.

- 6.6 **Conflicting Dates.** The holiday schedule takes precedence over the alternating weekend schedule. The holiday schedule may create times when the child will be with the same parent for three weekends in a row. This happens when a vacation or holiday defined in this rule replaces the normal schedule for a given weekend or time period.
- 6.7 **Day Care.** The non-custodial parent shall be responsible for arranging day care for the child during his or her time with the child. No child under the age of 11 shall be left unsupervised.
- 6.8 **Support of Parenting time.** The custodial parent shall not discourage the child from spending time with the non-custodial parent. Contrary to common belief, Oregon does not allow a child to determine where he is going to live at any age.
- 6.9 **Flexibility.** Parents are encouraged to be flexible and to consider their child's best interests in the use of this rule. This rule is designed to provide a schedule to parents who have not been able to agree to a schedule on their own. It does not create an absolute maximum or minimum amount of time the non-custodial parent can be with the child, nor does it restrict a parent from seeing a child at school or events. Reasonable adjustments to the schedule should be considered so important family events and the child's activities take place with minimal disruption or hard feelings.
- 6.9.1 Each parent shall act reasonably in registering the child for activities keeping in mind that neither parent is entitled to commit the child to an activity which will take place during the other parent's time with the child. On the other hand, there are natural activities which occur (such as school, athletic, music and other programs) that, by their very nature, take place during the other parent's scheduled time with the child.
- 6.9.2 Although neither parent is required to take a child to any activity, each parent is encouraged to use his or her best effort to keep the child involved in athletic events, school functions, lessons, birthday parties of friends, etc. even though those activities may fall during a parenting time period. To do otherwise would deprive the child of valuable growing opportunities.
- 6.9.3 Each parent is encouraged to use a child's activity as an opportunity for that parent to participate with the child, meet the child's friends and other families and to have a quality experience with the child.
- 6.9.4 A child *is not* permitted to determine whether he or she visits the noncustodial parent. However, older teenagers are often involved in their own activities and are unable (or unwilling) to spend time with their parents on a regular schedule as they did when they were younger. Both parents must be considerate of older teenagers and recognize that they wish (and need) to spend more time with their peers rather than their parents. Parents will need to make adjustments to accommodate these life changes.
- 6.9.5 Parents should make plans directly with each other rather than through the child. It is unfair for the child to serve as the message carrier for two parents who find it difficult to communicate directly with each other. Children who find themselves in this position learn to manipulate and play one parent off against the other.

- 6.10 **Writing and Telephoning.** Each parent shall have the right to correspond with the child during reasonable hours without monitoring by the other parent or anyone else. This correspondence may take the form of letters, fax transmissions, E-mail or telephone calls. Unless otherwise agreed, there shall be no more than three telephone calls per week. Long distance telephone calls made by the child shall be paid for by the parent receiving the call.
- 6.11 **Changes to the Parenting time Schedule.** Enforceable changes in the parenting time schedule can only be made by court order. Any agreed upon temporary change shall be in a writing which is signed and dated by both parents to assure that there is no misunderstanding at a later date on the terms of the change.
7. **Rules Relating To The Custodial Relationship And Each Parent's Responsibilities To The Child:**
- 7.1 **Addresses and telephone numbers.** Each parent shall provide their home (not just mailing) address and home telephone numbers to the other parent unless otherwise ordered by the court. The parent with the child shall notify the other parent of the location and telephone number of where the child will be sleeping if the parent is taking the child out of the town where that parent resides for more than three consecutive overnights. Each parent shall be reasonable with this rule. For example, it is possible to give a general location but no telephone number if a camping trip is contemplated.
- 7.2 **Mutual Respect Towards the Other Parent.** Neither parent shall make bad or unflattering comments about the other parent or in any way try to diminish the love, respect and affection that the child has for the other parent.
- 7.3 **Access to Records and Events.** The non-custodial parent has the right to visit with the child at school, attend the child's school activities (such as an open house or sports activities), and have full access to school teachers and administrators for complete information about the child in school. This includes parent-teacher conferences. Parents shall be primarily responsible for keeping themselves advised of the child's activities and events.
- 7.4 **Daily Care.** The parent with whom the child is staying shall be responsible for daily care and shall 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 making any substantial change in the child's appearance (i.e., tattoos, ear piercing, etc.) unless authorized to do so by the custodial parent.
- 7.5 **Emergencies.** The parent with the child shall immediately tell the other parent of any emergency circumstances or substantial changes in the health or safety of the child.
- 7.6 **Decision Making.** The custodial parent is encouraged to consult with noncustodial parent about major decisions which will affect the child even though the custodial parent has the ultimate decision-making authority. It is important for parents to communicate with each other prior to making plans for lessons, athletic activities, camp, extended medical and dental treatment, out-of-town visits to relatives, etc. Each parent is encouraged to work cooperatively with the other to create the most positive and productive atmosphere possible for the child.

- 7.7 **Smoking or Drinking Alcohol in the Presence of the Child.** An issue frequently occurs when one parent smokes or drinks alcohol in front of the child and the other parent objects. Neither parent should smoke in the presence of the child (nor smoke in any manner so the child is breathing the smoke) if the parents cannot agree on this issue. Neither parent should drink alcohol to the point where they are affected by the alcohol.
- 7.8 **Moving.** Neither parent shall move to a residence which is more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court. ORS 107.159.
- 7.9 **Parenting time is Independent From Support.** A parent's right to spend time with a child is not dependent on that parent's payment of child support. One parent's failure to comply with the terms of the judgment does not mean that the other parent can now ignore its terms. It is not permissible to withhold the child from the other parent as a way to encourage the payment of support.
- 7.10 **Joint Custody.** True joint custody means that each parent has equal authority to make major decisions which effect the child. Joint custody has nothing to do with the amount of time that a child spends with either parent nor does it affect the level of child support. Under present state law, the court cannot order joint custody unless both parents agree to it. Questions about joint custody should be directed to an attorney.

8. **Age Suggestions:**

This rule recognizes that parenting time guidelines should be based upon the needs of a growing child. Parents may wish to ask the court to *consider* these age-related suggestions if they seem appropriate. *These suggestions are not automatically binding unless the court order specifically states they are to apply rather than the other provisions of this rule.*

- 8.1 **The infant, age 0-1.** Frequent two to four hour visits, two or three days per week from custodial parent's home; also one additional afternoon or evening per week.

Single overnight per week parenting time, provided the non-custodial parent has been actively involved in the caretaking role.
- 8.2 **The toddler, age 1 to 3 ½.** Four weekend days per month, plus one-half (½) day per week (4 to 6 hours). Overnight parenting time, provided the non-custodial parent has been actively involved in the caretaking role and/or is accompanied by an older child. During any parenting time of 7 days or more, the other parent should have a four hour mid-week visit.
- 8.3 **The pre-schooler, age 3 ½ to 5.** Alternate weekends from 7:00 p.m. Friday to 7:00 p.m. Sunday, plus either one non-overnight weekday per week during the afternoon or evening. Summer visits should be as set out in the Rule. The other parent should have a four hour mid-week visit during any visits of 7 days or more.
- 8.4 **The early elementary, age 6 to 9.** Summer time-shares should be as set out in the Rule. The parenting time schedule should be flexible enough to insure the children's participation in ongoing or special activities.

- 8.5 **The later elementary, age 10 to 12.** The minimum is the same as the early elementary. Flexible parenting time is the best principle, with the children having some input to avoid scheduling conflicts. At this age, it seems the quality of time is more important than the quantity but consideration should be given to the child's organized athletics and outside activities.
- 8.6 **The adolescent, age 13 or over.** The minimum is the same as later elementary. The child and parent may want to change the schedule if it interferes with the child's other activities.