



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

To: Parents of the minor child/children
From: Jeffrey A. Watson, M.Ed., LCPC, LMFT, NCC, Guardian ad litem
Re: Considerations for Parenting Plan Guidelines Concerning the Minor Child/Children

Note to reader the following information is taken from "Rule 23. Parenting Plan Guidelines" from the Local Rules of the Second Judicial District Court. Minor changes have been made to provide useful information that parents can read, understand and follow.

A powerful cause of stress, suffering and maladjustment in children of divorce/separation is not simply the divorce/separation itself, but continuing conflict between the parents before, during, and after the divorce/separation. To minimize conflict over the children, the parents should agree on a parenting arrangement that is most conducive to the children having frequent and meaningful contact with both parents with as little conflict as possible. When parents' maturity, personality, and communication skills are adequate, the ideal arrangement is for the parents to develop their own parenting plan to minimize attorney and Court involvement in such personal affairs. In putting together, a parenting plan, the following guidelines should help in the development of the plan and to identify potential problem areas. If the parents are unable to agree, however, the following guidelines will also help the parents in knowing what the presiding judges in the Second judicial district believes are generally reasonable, unless special circumstances require a different arrangement. (See paragraph 1.16 below.) Unless these guidelines are incorporated in a Court order, they are not compulsory rules, only a general direction for parents. In the event the parenting plan becomes an issue in Court, the judge reserves the right to set whatever parenting plan best meets the needs of the children in that case.

General Rules. Parents should always avoid speaking negatively about the other and should firmly discourage such conduct by relatives or friends. In fact, the parents should speak in positive terms about the other parent in the presence of the children. Each parent should encourage the children to respect the other. Children should never be used by one parent to spy on the other. The basic rules of conduct and discipline established by the custodial parent should be the base-line standard for both parents and any step-parents and consistently enforced by all, so that the children do not receive mixed signals.

Children will benefit from continued contact with all relatives and family friends on both sides of the family for whom they feel affection. Such relationships should be protected and encouraged. But relatives, like parents, need to avoid being critical of either parent in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. In Montana, grandparents have a legal right to reasonable visitation with their grandchildren, if it is in their best interests. Usually the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives during times they are with their mother.

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

In cases where both parents resided in the same community at the time of separation and then one parent left the area, thus changing the parenting plan, the Court will consider imposing the travel costs for the children necessary to facilitate future parenting time on the parent who moved. The Court will also consider other factors, however, such as the economic circumstances of the parents and the reasons prompting the move.

Parental Communication. Parents should always keep each other advised of their home and work addresses and telephone numbers. As far as possible, all communication concerning the children shall be conducted between the parents themselves in person, or by telephone, at their residences and not at their places of employment.

1.2 Grade Reports and Medical Information. Each parent shall provide the other parent with grade reports and notices from school as they are received and the children(s) school(s) shall be notified of the split households and advised to send copies of the children's school documents to each parent. Each parent shall immediately notify the other of any medical emergencies or serious illnesses of the children. Each parent shall notify the other parent of all school and other events (like church or Scouts) involving parental participation. If the child is taking medications, each parent shall provide a sufficient amount and appropriate instructions for their scheduled time with the other parent.

1.3 Parenting Time Clothing. Each parent shall send an appropriate supply of children's clothing with them for their scheduled time with the other parent. These clothes are to be considered the children's clothes, and shall be returned clean (when reasonably possible) with the children. Each parent shall advise, as far in advance as possible, of any special activities so that the appropriate clothing may be sent.

1.4 Withholding Support or Scheduled Parenting Time. Neither parenting time nor child support is to be withheld because of either parent's failure to comply with a Court order. Only the Court may enter sanctions for non-compliance. Children have a right both to support and time with each parent, neither of which is dependent upon the other. In other words, no support does not mean no parenting time and no parenting time does not mean no support. If there is a violation of either a parenting time or a support order, the exclusive remedy is to apply to the Court for appropriate sanctions.

1.5 Adjustments in the Parenting Time Schedule. Although this is a specific schedule, the parties are expected to fairly modify parenting time when family necessities, illnesses, or commitment reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.

1.6 Each Parent's Vacation. Unless otherwise specified in a Court order or agreed by the parties, each parent is entitled to a vacation with the children for a reasonable period, usually equal to the vacation time spent with the other parent.

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

1.7 Insurance Forms. The parent who has a medical insurance coverage on the children shall supply, as applicable, insurance forms and a list of insurers -- approved or HMO qualified health care providers in the area where the other parent is residing. A parent who, except in an emergency, takes the children to a doctor, dentist, or other provider not so approved or qualified should pay the additional cost thus created. However, when there is a change in insurance which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration should be given by the parties to what is more important: allowing the child to remain with the original provider or the economic consequences of changing. When there is an obligation to pay medical expenses, the parent responsible therefore shall be promptly furnished with the bill by the other. The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall decide directly with the health care provider and shall inform the other parent of such arrangements. Insurance refunds should be promptly turned over to the parent who paid the bill for which the refund was paid.

1.8 Child-Support Abatement. Unless a Court order otherwise provides, support shall not abate during any period.

1.9 Missed Parenting Time. Each parent shall notify the other parent when a scheduled parenting time cannot occur due to events beyond either parent's control, such as illness of the parent exercising parenting time or the child. The parties are expected to substitute the missed parenting time with a mutually agreeable substituted parenting time schedule, as quickly as possible. Missed parenting time not due to events beyond each parent's control shall not be substituted unless mutually agreed upon by the parties.

1.10 Parenting Time a Shared Experience. Because it is intended that parenting time be a shared experience between siblings and, unless these guidelines, a Court order, or circumstances, such as age, illness, or the event, suggest otherwise, all the children shall participate in any parenting time schedule.

1.11 Telephone Communication. Telephone calls between parent and child shall be liberally permitted at reasonable hours and at the expense of the calling parent. The children may, of course, call either parent, though at reasonable hours, frequencies, and at the cost of the parent called if it is a long-distance call. During long vacations, the parent with whom the child is on vacation is only required to make the child available to telephone calls every five days. At all other times, the parent the child is with shall not refuse to answer the telephone or turn off the telephone to deny the other parent telephone contact. If a parent uses an answering machine, messages left on the machine for the child should be returned. Parents should agree on a specified time for calls to the children so that the children will be made available.

1.12 Mail Contact. Parents have an unrestricted right to send cards, letters, and packages to their children. The children also have the same right with their parents. Neither parent should interfere with this right.

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

1.13 Privacy of Residence. A parent may not enter the residence of the other except by express invitation of the resident parent, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the children shall be picked up and returned to the front entrance of the appropriate residence. The parent dropping the children off should not leave until the children are safely inside. Parents should refrain from surprise visits to the other parent's home. A parent's time with the children is their own, and the children's time with that parent is equally private.

Parenting Time with Children under Age 5

1.14 General Guidelines. Infants (children under eighteen months of age) and toddlers (eighteen months to three years) have a great need for continuous contact with a parent who provides a sense of security, nurturing and predictability. Generally, overnight visits for infants and toddlers are not recommended unless the parent is very closely attached to the child and is able to provide primary care. Older preschool age children (three to five) can tolerate limited separations from the primary caretaker. The following guidelines for children under age five are designed to consider the child's developmental milestones as a basis for parenting time schedules. Since children mature at different rates, these may need to be adjusted to fit the child's unique circumstances. These guidelines may not apply to those instances where the parents are truly sharing equally all the caretaking responsibilities for the child and the child is equally attached to both parents. Yet in most situations where one parent has been the primary caretaker and the other parent has maintained a continuous relationship with the child but has not shared equally in child caretaking, the following guidelines should generally apply:

A. Infants (Birth to 6 Months). Alternate parenting plans: (1) three two-hour visits per week, with one weekend day for six hours; or (2) three two-hour visits per week, with one overnight on a weekend for no longer than a twelve-hour period, if the child is not breast feeding and the other parent can provide primary care.

B. Infants (6 to 18 Months). Alternate parenting plans: (1) three 3-hour visits per week with one weekend day for six hours; or (2) same as (1) but with one overnight not to exceed twelve hours, if the child is not breast feeding and the other parent can provide primary care; or (3) child spends time in alternate homes but spends significantly more time at one of them and no more than two twelve-hour overnights per week at the other. This arrangement should be considered only for mature, adaptable children and very cooperative parents.

C. Toddlers (18 to 36 Months). Alternate parenting plans: (1) the noncustodial parent has the child up to three times per week for a few hours each visit, on a predictable schedule; or (2) same as (1) but with one overnight per week; or (3) child spends time in alternate homes but with more time in one than the other with two or three overnights spaced regularly throughout the week. This requires an adaptable child and cooperative parents.

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

D. Preschoolers (3 to 5 Years Old). Alternate parenting plans: (1) one overnight visit (i.e., Saturday morning to Sunday evening) on alternate weekends and one midweek visit with the child returning to the other parent's home at least one-half hour before bedtime; or (2) two or three nights at one home, spaced throughout the week, the remaining time at the other home. In addition, for preschoolers, a vacation of no longer than two weeks with the other parent.

E. Children in Day Care. In families where a child has been in day care prior to the parental separation, the child may be able to tolerate flexible visits earlier because the child is more accustomed to separations from both parents. The parent who exercises parenting time of a child under age five should not, during the visit, place the child with a babysitter or day care provider. If the parent cannot be with the child personally, the child should be returned to the other parent. Visiting for short periods with relatives may be appropriate, if the relatives are not merely serving as babysitters.

1.15 Day Care Providers. When parents reside in the same community, they should use the same day care provider. To the extent possible, the parents should rely on each other to care for the children when the other parent is unavailable.

1.16 Special Circumstances.

A. Child Abuse. When child abuse has been established and a continuing danger is shown to exist, all parenting time with the abusing parent should cease or only be allowed under supervision. Depending on the circumstances. Court intervention is usually required in child abuse cases.

B. Spouse Abuse. Witnessing spouse abuse has long-term, emotionally detrimental effects on children. Furthermore, a person who loses control and acts impulsively with a spouse may can do so with children as well. Depending on the nature of the spouse abuse and when it occurred, the Court may require an abusive spouse to successfully complete appropriate counseling before being permitted unsupervised parenting time.

C. Substance abuse. Parenting time should not occur when the parent is abusing drugs/alcohol.

D. Long Interruption of Contact. In those situations where one parent has not had an ongoing relationship for an extended period, parenting time should begin with brief visits and a very gradual transition to the parenting time schedules suggested in these guidelines.

E. Kidnapping/threats. Parents who have kidnapped or threatened to do so should have no parenting time or only supervised parenting time.



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

F. Breast Feeding Child. Forcibly weaning a child, whether breast feeding or bottle feeding, during the upheaval of parental separation is not appropriate for the physical or emotional well-being of the child. Until weaning has occurred without forcing, a nursing infant should have visits of only a few hours each. A parent should not use breast feeding beyond the normal weaning age to deprive the other parent of parenting time.

G. A Parent's New Relationship. Parents should be sensitive to the danger of exposing the children too quickly to new relationships while they are still adjusting to the trauma of their parents' separation and divorce/separation.

H. Religious Holidays and Native American Ceremonies. Parents should respect their children's needs to be raised in their faith and in keeping with their cultural heritage and cooperate with each other on parenting time schedules to achieve these goals. These goals should not be used to deprive the other parent of parenting time.

I. Other. The Court will limit or deny parenting time to parents who show neglectful, impulsive, immoral, Criminal, assaultive or risk-taking behavior with or in the presence of the children.

2. Parenting Time of Children over Age 5 When There Is Sole Custody or Primary Physical Custody and Parents Reside No More Than 200 Miles Apart.

2.1 Weekends. Alternate weekends from Friday at 5:30 p.m. to Sunday at 5:30 p.m.; the starting and ending times may change to fit the parent's schedules. Or an equivalent period if the parent exercising parenting time is not available on weekends and the child does not miss school. In addition, if time and distance allow, one or two midweek visits of two to three hours. All transportation for the midweek visits are the responsibility of the parent exercising the parenting time.

2.2 Mother's Day- Father's Day. The alternate weekends will be shifted, exchanged or arranged so that the children are with their mother each Mother's Day weekend and with their father each Father's Day weekend. Conflicts between these special weekends and regularly scheduled parenting time shall be resolved pursuant to paragraph 1.9.

2.3 Extended Parenting Time. One-half of the school summer vacation. The parents may agree that the time be consecutive, or it may be split into two blocks of time. If the child goes to summer school and it is impossible for the other parent to schedule this parenting time other than during summer school, that parent may elect to take the time when the child is in summer school and transport the child to the summer school session at the child's school or an equivalent summer school session in that parent's community.

2.4 Winter (Christmas) Vacation. One-half of the school winter vacation. A period which begins the evening the child is released from school and continues to the evening of the day before the child will

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

return to school. If the parents cannot agree on the division of this period, the Court will usually choose that one parent shall have the first half in even-numbered years. If the parents live in the same community, in those years when Christmas does not fall in a parent's week, that parent shall have from noon to 9:00 p.m. on Christmas day. For toddlers and preschool age children, when the parents live in the same community, the parents should alternate each year Christmas Eve and Christmas day so that the children spend equal time with each parent during this holiday period.

2.5 Holidays. Parents should alternate the following holiday weekends: Easter, Memorial Day, The 4th of July, Labor Day and Thanksgiving. Thanksgiving will begin on Wednesday evening and end on Sunday evening. Memorial Day and Labor Day weekends will begin on Friday and end on Monday evening. Easter weekend will begin on Thursday evening and end on Sunday evening. The 4th of July, when it does not fall on a weekend, shall include the weekend closest to the 4th. Holiday weekends begin at 5:30 p.m. and end at 7 p.m. on the appropriate days.

2.6 Children's Birthdays. Like the holidays a child's birthday shall be alternated annually between the parents. If the birthday falls on the weekend, it shall extend to the full weekend, and any resulting conflict with regularly scheduled parenting time shall be resolved pursuant to paragraph 1.9. If the birthday falls on a weekday it shall be celebrated 3 p.m. to 9 p.m. (or so much of that period as the parent elects to use).

2.7 Parent's Birthdays. The children should spend the day with the parent who is celebrating their birthday, unless it interferes with the other parent's extended parenting time during vacation.

2.8 Conflicts Between Regular and Holiday Weekends. When there is a conflict between a holiday weekend and the regular weekend parenting time, the holiday takes precedence. Thus, if a parent misses a regularly scheduled weekend because it is the other parent's holiday, the regular alternating parenting time schedule will resume following the holiday. If the other parent receives two consecutive weekends because of a holiday, regular alternating parenting time will resume the following weekend with the other parent. The parents should agree to make up missed weekends due to holiday conflicts.

2.9 Parenting Time Before and During Vacations. There will be no regularly scheduled parenting time the weekend(s) before the beginning of a parent's summer vacation scheduled parenting time, regardless of whose weekend it may be. Similarly, that parent's alternating weekend parenting time(s) shall resume the second weekend after each period of summer vacation that year. Weekend parenting time "missed" during the summer vacation period will not be "made up." During any extended summer parenting time periods of more than three consecutive weeks, it will be the parent exercising the parenting time's duty to arrange, for a time mutually convenient, a 48-hour continuous period of parenting time for the other parent unless impracticable because of distance.

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

2.10 Notice of Canceled Parenting Time. Whenever possible, the parent unable to exercise scheduled parenting time, shall give a minimum of three days' notice of intent not to exercise all or part of the scheduled parenting time. When such notice is not reasonably possible, the maximum notice permitted by the circumstances, and the reason therefore, shall be given. Both parents shall give the same type of notice when events beyond their control make the cancellation or modification of scheduled parenting time necessary. If one parent cancels or modifies a scheduled parenting time because the child has a schedule conflict, the other parent should be given the opportunity to take the child to the scheduled event or appointment.

2.11 Pick Up and Return of Children. When the parents live in the same community, the responsibility of picking up and returning the children should be shared. The person picking up or returning the children during times of scheduled parenting time has an obligation to be punctual: to arrive at the "agreed time" not substantially earlier or later. Repeated, unjustified, violations of this provision may subject the offender to Court sanctions.

2.12 Additional Parenting Time. Parenting time should be liberal and flexible. For many parents these guidelines should be considered as only a minimum direction for interaction with the children. These guidelines are not meant to foreclose the parents from agreeing to such additional parenting time as they find reasonable at any given time.

3. Parenting Time of Children over Age 5 When Parents Reside More Than 200 Miles Apart.

3.1 Extended Parenting Time. All but three weeks of the school summer vacation period and, on an alternating basis, the school Winter (Christmas) vacation and Spring Break.

3.2 Priority of Summer Parenting Time. Summer parenting time takes precedence over summer activities (such as Little League) when the parenting time cannot be reasonably scheduled around such events. Even so, the conscientious parent will often be able to enroll the child in a similar activity in their locale.

3.3 Notice. At least 60 days' notice should be given of the date for commencing extended scheduled parenting time. So that the most efficient means of transportation may be obtained and the parties and the children may arrange their schedules. Failure to give the precise number of days' notice does not entitle a parent the right to deny parenting time.

3.4 Additional Parenting Time. Where distance and finances permit, additional parenting time, such as for holiday weekends or special events, are encouraged. Whenever a parent is in the area where the child resides, or the child is in the area where the parent resides, liberal parenting time shall be allowed and because the parent that lives more than 200 miles away from where the child attends school does not

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA



LIFE MANAGEMENT ASSOCIATES, LLC

CONSIDERATIONS FOR PARENTING PLAN GUIDELINES CONCERNING THE MINOR CHILD/CHILDREN

usually get as much parenting time, the child can miss some school during the visits so long as it does not substantially impair the child's scholastic progress.

4. Parenting Time with Adolescents

4.1 General. Within reason, the parents should honestly and fairly consider their teenager's wishes regarding parenting time. Neither parent should attempt to pressure their teenager to make a parenting time decision adverse to the other parent. Teenagers should explain the reasons for their wishes directly to the affected parent, without intervention by the other parent.

The above information is being provided by the Guardian ad litem to serve as "guidelines" for parents that are having trouble in finalizing a parenting plan. Keeping in mind the child/children's best interest is the foundation of a successful parenting plan. If you have any questions about this or any other information provided by the Guardian ad litem feel free to contact the Guardian ad litem. My email address is jeffrey@lmalc.org.

This information is being provided in the hopes of developing a mutually beneficial relationship between all parties directed toward "The Best Interest of the Minor Child/Children"!

Sincerely,

Jeffrey A. Watson, M.Ed., LCPC, LMFT, NCC

Guardian ad litem

Licensed Clinical Professional Counselor

Licensed Marriage and Family Therapist

National Certified Counselor

Clinical Fellow, American Association for Marriage and Family Therapy

Fellow, American Psychotherapy Association

600 Dewey Blvd., Suite B, • Butte, MT 59701 & 302 Missouri Ave., • Deer Lodge, MT 59722

Phone: 406-782-4778 • Fax: 406-782-1318

Navigating Life's Obstacles.....Choose LMA