

RULE 9.4 UNIFORM LOCAL COMPANIONSHIP

COLUMBIANA COUNTY GUIDELINE PARENTING SCHEDULE

1. GENERAL PARENTING PRINCIPLES

During and after a divorce, there is often a crisis period (from several months to years) during which families are under great stress because of loss, conflict, and change. Most studies show and psychologist uniformly agree, that the children who do best following divorce are from those families, which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child. Children, however, clearly profit by continued meaningful contact with both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of a child, as the child grows older.

This Guideline Parenting Schedule takes into account the changing developmental needs of children. It is recognized that each situation and each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their children. In all cases, including requests for 75(M) orders, the court will strive to adopt a parenting schedule that is in the child(ren)'s best interests. Any request to deviate from the following parenting schedule shall be supported by the filing of the proper affidavits/evidence. The factors contained in ORC 3109.05.1(D) shall be considered in any proposed deviation from the guideline-parenting schedule. Absent a request for deviation and the filing of affidavits/evidence in support thereof, the court will impose the guidelines set forth below. A good parenting schedule developed for a family should be based upon the following considerations:

- A. The developmental needs and age of each child.
- B. The psychological attachments of each child.
- C. The way child rearing tasks were shared during the marriage.
- D. The preservation or development of a close relationship with each parent.
- E. A consistent and predictable schedule that minimizes the transition between the households, especially where young children are involved. Failure to consistently exercise parenting time may result in modification of the parenting schedule.
- F. Each child's temperament and ability to handle change.
- G. Parents career demands and work schedules.
- H. The need for periodic review of the plan, noting trouble signs and revising as each child's needs and circumstances change.

For purposes of exercising this parenting schedule, _____ is designated the residential parent and _____ is designated the non-residential parent.

The policy of the following time allocation is to provide a schedule which is best suited for the particular age of that child(ren).

2. WEEKLY SCHEDULE

A. Birth to Six Months

The non-residential parent shall have parenting time weekly as follows: Tuesday afternoon and Thursday afternoon for a period not to exceed three hours. Alternate Saturdays and Sundays from 9:00 A.M. until 6:00 P.M. The Court will consider modifications to an overnight schedule as the child's age increases. The Schedule shall continue on a weekly basis until modified by the parties.

B. Ages Six months through 18 years

Week A: Tuesday or Wednesday afternoon consistent with the non-residential parent's work schedule and/or the children's school schedule if school is in session, and Friday from 6:00 P.M. until Sunday at 6:00 P.M.

Week B: Tuesday and Thursday afternoons consistent with the non-residential parent's work schedule and/or the children's school schedule if school is in session. The parenting time on Tuesday and Thursday afternoons shall consist of not less than three hours, however, shall conform with the children's bedtimes.

Parents should respect a teenager's need to spend time with peers and in organized activities, and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, it is preferable to consider the teenager's wishes, as long as the parents agree.

3. ADDITIONAL PARENTING TIME

In the event of a conflict, the following is the order of preference: 1st. holidays; 2nd extended periods; 3rd weekends; 4th midweek days. The two week uninterrupted parenting time shall take precedence over summer holidays.

A. Holidays

| HOLIDAY | Even # Years | Odd # Years | Schedule |
|--------------------|---------------------|--------------------|-------------------------------------|
| New Years | Mother | Father | 1/1 at 9:00 AM to 1/1 at 6:00 PM |
| Martin Luther King | Father | Mother | Sunday 6:00 PM to Monday 6:00 PM |
| President's Day | Mother | Father | Sunday 6:00 PM to Monday 6:00 PM |
| Easter | Father | Mother | Saturday 8:00 PM to Sunday 6:00 PM |
| Memorial Day | Mother | Father | Sunday 6:00 PM to Monday 6:00 PM |
| Fourth of July | Father | Mother | 4:00 PM to 9:00 AM on July 5th |
| Labor Day | Mother | Father | Sunday 6:00 PM to Monday 6:00 PM |
| Halloween | Father | Mother | 5:00 PM to 9:00 PM |
| Thanksgiving | Mother | Father | Wednesday 6:00 PM to Friday 6:00 PM |
| Christmas Eve | Father | Mother | 12/23 Noon to 12/24 9:00 PM |
| Christmas Day | Mother | Father | 12/24 9:00 PM to 12/26 6:00 PM |
| Mother's Day | Mother | Mother | 10:00 AM to 9:00 PM |
| Father's Day | Father | Father | 10:00 AM to 9:00 PM |

For all other holidays, including religious holidays celebrated by the family which are not included in the above list, the parties shall alternate from year to year with the mother having the even numbered years and the father having the odd numbered years on those particular holidays. For holidays that extend for more than a one-day period, the parties shall divide the days as equally as possible in order to permit both parties to spend that holiday time with the children.

For school districts who have Fridays or Mondays off that are not listed in the holiday schedule, that Friday or Monday, the parent whose weekend it is shall have the option of extending their weekend companionship to include the extra day.

B. Extended Time

1. Each parent shall be entitled to two weeks of consecutive, uninterrupted parenting time each year. This consecutive two weeks shall not extend the summer parenting time and may be taken during the school year if the parties agree and appropriate arrangements have been made to comply with school regulations.

2. The non-residential parent may be entitled to one half of the summer vacation each year during the summer, two weeks of which may be consecutive and uninterrupted. If the parents are unable to agree as to the summer schedule, the non-residential parent shall be entitled to the first half of the summer. The summer vacation is defined as commencing the day after the children get out of school and continuing until seven (7) days before school begins. During summer companionship, each parent receives weekday companionship as afforded the non-residential parent during the rest of the year. The alternating weekends continue during the summer companionship without interruption except for the two weeks of consecutive uninterrupted parenting time.

3. The child(ren)'s spring break from school (every other year) and one half Christmas break (every year) shall also be spent with the non-residential parent. The parent who has Easter shall have spring break in the same year.

4. Extended periods of time are to be arranged as follows: for extended time at Spring Break, by February 15th each year, for extended time in the summer, by May 15th of each year, for extended time at Christmas, by November 1 of each year. Each parent shall notify the other parent in writing of the times desired for these extended periods.

5. Alternating weekends and weekdays shall not be included in the calculation of the Christmas and spring breaks.

6. Birthdays

In even number years the mother shall have the children for their birthdays on the following schedule: if the child is in school on that day, the time will be 5:00 p.m. to 9:00 p.m., if the child is not in school on that day, from 9:00 a.m. to 9:00 p.m. The father shall have the children in odd number years on the same time schedule. The parenting time for birthdays shall include all children of the marriage, not just the child celebrating his/her birthday.

The child/ren shall spend each parent' birthday with that parent unless otherwise ordered by the court or agreement of the parties.

4. MISCELLANEOUS

A. The child(ren) and/or residential parent have no duty to wait for more than 30 minutes for the non-residential parent to arrive for parenting time. The non-residential parent who is more than 30 minutes late for a particular parenting time shall forfeit that time. An exception shall be made if the tardiness of the non-residential parent is for just cause (ie. Work schedule) and the residential parent receives both prompt notice and a reasonable estimated arrival time.

B. The non-residential parent who is more than 30 minutes late in returning the child(ren) without calling to make arrangements and without just cause may be subject to contempt.

C. If either parent will be unavailable during his/her scheduled parenting time, regardless of the age of the child(ren), he/she shall offer that parenting time to the other parent. Unavailable means that parent will be gone from his/her home overnight.

D. Make up time shall be given if the child(ren) or non-residential parent is not available at the scheduled time or if the residential parent denies access to the child(ren) without just cause. All make up days shall be rescheduled within 30 days.

E. If the parents are unable to reach an agreement regarding transportation, and unless otherwise provided by court order, the non-residential parent shall provide transportation at the commencement of the visitation period and the residential parent shall provide transportation at the termination of the parenting period. **A responsible, licensed adult known to both parents may provide transportation if the parent is unavailable.** Any person transporting a child(ren) shall use the proper child restraint seat and/or seat belts as required by law. No person shall consume alcohol or use illegal drugs immediately prior to or during the transportation of a child(ren).

F. Each parent shall have reasonable telephone contact with the child(ren). Reasonable is defined as one time per day.

G. Car Seat: For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as companionship changes occur.

H. Extracurricular Activities: Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent who has the children at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with notice of all extracurricular activities, school related or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity residential parent with notice of all extracurricular activities, school related or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available to the residential parent). Failing to do so may result in a finding of contempt with appropriate sanctions. The residential parent shall provide the non-residential parent with a copy of the school calendar.

5. STATUTORY NOTICES

A. RELOCATION NOTICE: Pursuant to ORC 3109.051 (G), the parties hereto are hereby notified as follows:

If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with this Court. Except as provided in ORC 3109.051(G) (2), (3) and (4), a copy of such notice shall be mailed by the Court to the nonresidential parent. On receipt of the notice, the Court, on its own motion or on the motion of the non-residential parent, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the children to revise the visitation schedule for the children. Said notice shall be filed 60 days prior to the relocation.

B. RECORDS ACCESS NOTICE: Pursuant to ORC 3109.051(h) and 3319.321(b) (5) (a), the parties are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to ORC 2301.35(G) (2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the children and to which the residential parent is legally provided access, including school records. Any keeper of a record, public or private, who knowingly fails to comply with this order, is in contempt of Court.

Both parents shall have access to the children's school records. Both parents are encouraged to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within a reasonable time.

C. DAY CARE CENTER ACCESS NOTICE: Pursuant to ORC 3109.051(l), the parties hereto are hereby notified as follows:

Except as specifically modified or otherwise limited by court order, and in accordance with ORC 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the children with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

D. SCHOOL ACTIVITIES NOTICE: Pursuant to ORC 3109.051(J), the parties hereto are hereby notified as follows:

Accordance with ORC 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the children with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

6. SPECIAL CIRCUMSTANCES

A. Domestic Violence: The Companionship Plan may need to be adjusted when there has been domestic violence. Please refer to the most recent revision of the law or consult with an attorney regarding this special circumstance.

B. Re-establishment of Parent-Child Relationship after a Long Absence: When the visitation has not taken place for an extended period of time, both parents should consider the possible adverse effects upon the child and gradually re-introduce an appropriate access plan for the non-custodial parent. A separate schedule has been developed for this purpose. (Rule 9.42)

C. Travel with the Child: Whenever the child travels with either parent, one of the following will be provided to the other parent: an itinerary of travel dates, destinations, and places where the child or traveling parent can be reached; or the name and telephone number of an available third person who would be knowledgeable of the child's whereabouts.

D. Out of Town Access: Plans regarding out of town access are more difficult to suggest because of the effect of such facts as distance, parents' employment schedule, parents' financial ability to pay for more or less frequent trips, and the availability of child care while children are visiting from out of town. These and many other facts necessitate specific arrangements be made. In general, visits would be less often and of longer duration.

E. Travel of Child Alone: Travel alone of a child under the age of 12 years is not recommended.

F. Access to Address and Phone Number: Both parties shall provide each other with their current address and phone number unless doing so would endanger either the child or the parent. If an address or phone number cannot be provided, then the name and number of an available third party would/can reach the child or inaccessible parent in the event of an emergency should be provided.

G. Emergency Medical Treatment: In the event that the child is in need of emergency medical treatment, it shall be the responsibility of either party to obtain treatment for the child and immediately notify the other parent.