

## **SHELBY COUNTY LOCAL DR RULE TWENTY-TWO**

### **GUIDELINES FOR PARENTING TIME**

#### **I. Purpose**

Companionship (parenting time) is a time for children to do things with the parent with whom they do not live. It provides an opportunity for that parent to engage in activities and teach skills which will make the time rewarding to everyone concerned. Helping the children find friends in the visiting parent's neighborhood makes the new area seem more like home to them. Contact with both parents is important to the children, and companionship arrangements should accordingly be encouraged.

#### **II. Parenting time Schedule**

The following schedule shall apply unless otherwise specified by an order or judgment entry involving the parties. Weekend visitation shall rotate on an every other weekend schedule for each parent. Weekend parenting time for the parent with whom the children do not live the majority of the time will commence on the first Friday following the date of the filing of such order or judgment entry, unless otherwise ordered by the Court. Standard parenting time per this rule shall be determined to equate to ninety (90) overnights per calendar year.

##### **A. Weekends**

The beginning and ending times for weekend visitation are set forth below:

1. On the first weekend and every other weekend thereafter, from Friday at 7:00 p.m. until Sunday at 7:00 p.m. during the school year.
2. Parenting time shall not be delayed or denied because a child has other scheduled social, athletic, work or school activities. The visiting parent, however, must allow the child to participate in all mandatory scholastic activities and should--unless prevented from so doing by the nature of the parenting time--allow the child to participate in other regularly scheduled activities. The residential parent shall inform the visiting parent reasonably in advance of such activities, advising the visiting parent of dates, times, transportation needs and the like so that the child is not unnecessarily deprived of such activities and the friendships thereby maintained. The parents should discuss, reasonably agree upon and arrange such activities, taking into account both the needs of the visiting parent and the needs of the child. A failure by either parent to be

concerned with the needs of the child for such activities shall be taken into account by the court in any post-judgment parenting time proceeding. Each parent should encourage the other to attend all of the child's school and sports activities.

**B. Mid-week**

Parenting time shall additionally be allowed on one weekday per week, according to the following schedule:

1. For a child 12 year of age or younger, from 5:00 p.m. to 8:00 p.m.
2. For a child 13 years of age or older, 5:00 p.m. to 9:00 p.m.

If the parenting time involves more than one child, the hour or return shall be based on the age of the youngest child. If the parents cannot agree on a particular day for such parenting time, then Wednesday is hereby designated for such purpose.

**C. Days of Special Meaning**

1. Mother's Day shall always be spent with the mother and Father's Day shall always be spent with the father, regardless of which parent is entitled to the balance of the weekend. Unless otherwise agreed, the time spent with the appropriate parent shall be from 10:00 a.m. to 7:00 p.m.
2. The birthday of each child shall be spent with the mother in even-numbered years and the father in odd-numbered years, provided that the visiting parent give one week's notice of his or her intent to exercise such birthday parenting time. Such parenting time shall take place from 10:00 a.m. to 8:00 p.m. for a child not then in school, and from 5:00 p.m. to 8:00 p.m. for a child then in school. Parenting time for the child's birthday shall take precedence over other parenting times. The custodial parent shall take all reasonable steps to ensure the attendance of the child's brothers and sisters at the birthday event.

#### **D. Holidays**

Unless otherwise agreed, Holidays shall be spent with the father or mother according to the following schedule:

	Even-Numbered Years	Odd-Numbered Years	
Easter Weekend	Father	Mother	Thurs. (prior to Easter Sunday) 7 p.m. until Easter Sunday at 2 p.m.
Easter Sunday	Mother	Father	Easter Sunday from 2 p.m. until 7:30 p.m. The parties then to follow their regularly scheduled parenting time.
Memorial Day	Mother	Father	Sun. 7 p.m. to Mon. 8 p.m.
July 4 <sup>th</sup>	Father	Mother	7/4 9 a.m. to 7/5 9 a.m.
Labor Day	Mother	Father	Sun. 7 p.m. to Mon. 8 p.m.
Beggars' Night/ Trick or Treat	Father	Mother	5 p.m. to 8 p.m.
Thanksgiving	Mother	Father	Thurs. 9 a.m. to Fri., 9 a.m.
Christmas Eve	Father	Mother	12/23 9 a.m. to 12/25 10 a.m.
Christmas Day/ Vacation	Mother	Father	12/25 10 a.m. to 12/315 p.m.
New Year's Eve/Day	Father	Mother	12/31 5 p.m. to 01/01 9 p.m.

Holiday parenting time takes precedence over all other parenting times.

#### **E. Summer Parenting Time**

1. The residential parent and non-residential parent shall enjoy parenting time every other week during the summer. In even numbered years, the mothers' first week begins on Sunday, the day before Memorial Day, at 7 p.m., regardless if the children are dismissed for the summer from school. The mother and father shall then alternate weekly parenting time with exchanges on Sunday at 7 p.m. In odd numbered years, the father's first week begins on Sunday, the day before Memorial Day, at 7 p.m., regardless if the children are dismissed for the summer from school. The mother and father shall then alternate weekly parenting time with exchanges on Sunday at 7 p.m. Each party shall be entitled to an additional 3 days of parenting time before or after one of their regularly

scheduled weeks for an extended vacation upon giving the other party at least 30 days written notice. The extra 3 days must be used consecutively and cannot be split. The first parent to provide notice in writing of their vacation dates shall have priority. Neither party shall exercise their extra 3 days over the 4<sup>th</sup> of July holiday, unless it happens to be that party's holiday that year. Summer parenting time terminates the Sunday prior to the first day of school and the non-residential parent's first weekend visitation starts the following Friday. If the children are not yet of school age, then the parties will use the school district which is designated in the most recent order, and if no designation, the school district in which the residential parent resides.

2. Should a child be required to take a summer class, the child must attend class. Summer parenting time must be exercised in such a manner as to allow the child(ren) to attend all classes mandated by his or her school curriculum or required for advancement to the next grade.
3. Each parent shall provide the other with a general itinerary which shall include, at a minimum, the location of any vacation including departure and arrival times and the method of travel to and from any vacation taking place outside the parent's community.

### **III. Parenting time Procedures**

#### **A. Child's Response to Parenting time**

1. It is the absolute affirmative duty of the custodial parent to ensure that his or her child participates in parenting time.
2. If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, both by working with the child and with the other parent, avoiding in each case confrontations or unpleasant scenes.
3. If the parties cannot resolve the problem among themselves and the child, it is the duty of each parent to seek and participate in immediate assistance by a counselor or other mental health professional.

#### **B. Exercise of Parenting time**

1. It is not necessary to give advance notice of the exercise of scheduled parenting time.
2. The residential parent shall have each child emotionally and

physically ready for the parenting time.

3. When more than one child is involved, parenting time will be exercised with all children together.
4. The visiting parent will not return the child prior to the end of the parenting time period unless otherwise agreed in advance.
5. The residential parent shall arrange to be present or have a responsible adult present at the return site at the proper time.
6. Unless otherwise agreed or provided by court order, the visiting parent has the responsibility to pick up and return each child. If the visiting parent is unavailable for such pick up or return, then he or she must provide a responsible adult well known to the child for this purpose. Only a licensed driver may transport the child in a motor vehicle; all child restraint laws must be followed. No person under the influence drugs or alcohol shall be associated in any way with transporting the child.
7. The residential parent shall provide sufficient appropriate clean clothing for each parenting time period. If an anticipated parenting time activity requires special or unusual clothing needs, the visiting parent must notify the other parent at least two days in advance of such need. If the child does not have the specialized type of clothing required for such activity, the residential parent is under no obligation to provide it. All clothing sent by the residential parent must be returned with the child by the visiting parent.
8. A visiting parent must provide time for each child to study and complete necessary homework assignments and other school-assigned projects, even if such requirements interfere with planned parenting time activities. The residential parent shall, however, have the child complete such school assignments prior to parenting time whenever reasonably practical. The residential parent must inform the visiting parent of the nature and deadline date of any assigned school work.
9. A parent who continually fails to pick up or return the child promptly or who habitually returns the child before completing the parenting time period shall, in the discretion of the court, be subject to the same sanctions as a parent who fails to exercise parenting time. A residential parent who habitually fails to provide a secure environment for the child upon its timely return by the visiting parent may be subjected to similar sanctions.

**C. Parenting time Cancellations**

1. Except in case of emergency a visiting parent must give notice of his or her intent not to exercise parenting time at least twenty-four hours in advance of such parenting time. Cancelled parenting times are forfeited, and need not be made up. A parent who continually fails without good cause to exercise parenting time may have such parenting time curtailed, modified or made subject to certain conditions, all as determined in the reasonable discretion of the court upon motion by the other parent.
2. The residential parent has no duty to wait for the visiting parent for more than 30 minutes beyond the time set for parenting time, unless the visiting parent notifies the residential parent that he or she will be late, and the residential parent agrees to remain available for a longer period of time. Such agreement shall not be unreasonably withheld.

**D. Illness or Injury of a Child**

1. Each parent must immediately notify the other parent of any illness or injury of the child requiring medical or dental consultation, in-patient or out-patient hospital treatment or the giving of prescription medication.
2. If a child is injured or becomes ill prior to a scheduled parenting time, the residential parent must contact the visiting parent and discuss the advisability of such parenting time, taking into account the best interest of the child. In deciding the matter of parenting time the parent should consider the nature of the illness or injury, the danger of contagion, the ability of the visiting parent to provide proper care, the nature of planned parenting time activities and any other matter of importance.
3. If an ill or injured child participates in a parenting time, then the residential parent must provide written instructions and sufficient medication for the child's proper care while with the other parent. The visiting parent must comply with any appropriate medical directions, and must notify the other parent if the child's condition worsens or fails to improve as anticipated.
4. If the parents determine that the child should not go on parenting time, then the visiting parent, unless otherwise prohibited by law or by an order of this court may spend a reasonable time -- that is, a

time which does not conflict with the child's medical needs or the reasonable schedule of the residential parent -- with the child at the residential parent's home.

5. The inability of one child to participate in parenting time will not affect the right or the responsibility of the visiting parent to visit with other children subject to the parenting time order, unless the ill child has a contagious disease to which the other children have been exposed.
6. Parenting time cancelled due to a child's illness or injury may be made up by the visiting parent within 90 days of the child's return to health. The procedure for such make-up shall be as provided in Local Rule I for parenting time missed by reason of vacation.
7. The visiting parent is responsible for the health and safety of the child with whom he or she visits, and must secure appropriate emergency treatment, if necessitated by the child's condition. The residential parent shall keep the visiting parent informed of the name and address of the child's pediatrician or family physician, required insurance information and the like.
8. Subject to law and other rules of this court pertaining to medical expenses, the residential parent shall be responsible to provide prescription medications and therapeutic equipment for and during all parenting times, including vacations, for a child who suffers a chronic disease or disability.
9. If a visiting parent reasonably questions the residential parent's judgment that a child may not participate in parenting time by reason of a claimed injury or illness, such visiting parent shall have the right to have the child examined at his or her expense by the child's pediatrician or family physician. The residential parent shall authorize the release to the visiting parent of all medical information available to such physician concerning such child, except only information which in the judgment of the physician may relate to a possible past or present abuse of the child by the visiting parent. The residential parent must cooperate in the scheduling and taking of such an examination, and in the release of such information to the visiting parent.

#### **IV. Communications**

Companionship between visiting parents and their children involves much more than compliance with a parenting time schedule. It includes the right of regular

communication by mail, telephone and -- in this modern age of telecommunications -- computer generated electronic mail, facsimile transmissions and the like. Communications between the parents, however strained their relationship may be, is also important, since it enables each of them to better provide for the child. Accordingly:

- A. Each parent has the right to telephone access to the child at all reasonable time for all reasonable purposes. If the parents cannot agree as to the timing, frequency and length of such communications, the following apply:
  1. The parent with whom the child is not then living may talk with the child on the telephone twice each week;
  2. A visiting parent may call a child once during a cancelled parenting time, regardless of the reason for the cancellation;
  3. Except in cases of emergency, phone calls shall not be made during the child's normal bedtime hours;
  4. Phone call shall not last more than 15 minutes;
  5. If the child is unavailable to take the call, the residential parent shall be responsible to ensure that the child promptly returns the call;
  6. A child is permitted to call either parent with any reasonable frequency, at any reasonable time and for any reasonable duration. If such call involves a long-distance or other toll charge, it shall be made collect, unless the other parent otherwise agrees.
- B. Each parent shall encourage frequent communication between the child and the other parent, and shall not do anything to impede or restrict such communication, whether by phone, mail or other means. Mail between a child and either parent shall be kept strictly confidential between them, and shall not be open or read by the other parent unless the child so requests it or the child is unable to read.
- C. Unless otherwise provided by law or court order, each parent shall keep the other informed of his or her current address and telephone number, his or her work telephone number (unless calls are not permitted at work) and an alternate telephone number for emergencies. "Current address" means both mail address and sufficient description or directions to enable the other parent to locate the residence. When it is anticipated that the child will spend an extended time away from the residence of both parties, then

the party having such information will provide the other party with the child's temporary address and telephone number, if feasible.

## **V. Parenting time Under Special Circumstances**

If circumstances make it not in the best interest of a child to comply with the terms of this standard order, each party shall cooperate with the other in establishing a parenting time schedule and procedure which take into account such special circumstances, the needs of the visiting parent and the best interests of the child. If the parties are unable to reasonably determine or agree upon such a schedule and procedure, they shall enlist the services of a counselor or medical professional to assist them in preparing and following such arrangements. Should they still be unwilling or unable to reach a reasonable agreement, then either party may petition the court for an order of special parenting time. Under these special circumstances for parenting time the court may allocate safety and transportation costs between or among parties or entirely to one party, taking into account the activities and status of each party resulting in the specialized parenting time circumstances, the relative financial abilities of the parties, the cooperation or lack of cooperation by each party in regard to resolution of parenting time problems, and any other relevant factors.

### **A. Long Distance Parenting time -- Over 100 Miles**

In lieu of parenting time under Section II, a non-residential parent residing more than One Hundred (100) miles from the child may exercise parenting time with that child as follows:

1. Seven (7) weeks parenting time during the child's summer vacation from school.
2. The child's Spring break from school, not to exceed one (1) week.
3. At Christmas time, in the even-numbered years, from the day after the last day of school through December 26; in the odd-numbered years, from December 27 to the day before school commences.
4. Up to four (4) additional non-consecutive weekends each year, upon giving at least thirty (30) days written notice to the residential parent.
5. In case of emergencies, such as death or illness, where the giving of a thirty (30) day prior notice is impractical, either parent shall be entitled to access to the child that is reasonable under the

circumstances.

6. Visiting parents time with the minor children takes precedence over any extra-curricular activities occurring during summer visitation, except if it is a **school mandated activity**.

**B. Infants and Pre-School Age Children**

1. The Court recognizes that any parenting time program involving infants requires special attention to the needs of each child, and that a comprehensive, standardized rule of parenting time is not always appropriate.

A parenting time schedule designed with regard to school attendance and vacations is obviously not automatically relevant to a three-year old. In such situations the parties are ordered to confer directly or through counsel to establish a parenting time program which takes into account the availability of the child, the child's parenting needs and the schedules of the parents. This does not mean, however, that the parents may not mutually agree to follow the standard orders of this Rule, particularly in the case of older pre-school children.

2. Parents shall take into account in establishing a parenting time schedule for pre-school children all factors relevant in regard to the physical and emotional maturity of each such child. Such factors shall take into account breast or bottle feeding, attendance in Head-Start or other pre-school programs, attendance at kindergarten, special infant health problems and the like. Each parent is responsible to make reasonable arrangements for the sharing (or if necessary for the separate provision) of clothing, strollers, infant car seats, diapers, formulas, baby bottles, and other items and equipment necessary for the child's welfare.

**VI. School Participation**

In addition to other rights of the visiting parent in regard to the child's school attendance and activities (See Section VII):

- A. The residential parent shall take all necessary action with school authorities of any school in which the child subject to parenting time is enrolled to:
  1. List the other parent on the child's school records;

2. Authorize the school to release to the other parent all relevant information concerning the child;
3. Ensure that the other parent receives copies of any school notices involving the child.

B. The residential parent shall promptly transmit to the other parent any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules and any other school activities in which the child is involved or may be interested.

C. The residential parent shall promptly provide the other parent with a photocopy of the child's grades or other progress reports, and copies of any report concerning the child's status or progress.

D. The residential parent shall, whenever possible, arrange appointments for parent-teacher conferences and other meetings involving the child at a time when the other parent can be present. The other parent, upon such notice, shall take all reasonable steps to attend such conference or meeting.

## **VII. Statutory Notices**

In addition to these rules, special statutes control the conduct of parties to marriage termination proceedings concerning their children. To the extent that such statutes now or hereafter conflict with the provisions of these Local Rules, then the statutes, and not these rules, control. Accordingly, each party should become familiar with the following statutes:

A. **Relocation Notice:** Pursuant to Ohio Revised Code §3109.051(G), the parties hereto are hereby notified as follows:

IF THE RESIDENTIAL PARENT INTENDS TO MOVE TO A RESIDENCE OTHER THAN THE RESIDENCE SPECIFIED IN THE PARTIES' JUDGMENT ENTRY, SAID RESIDENTIAL PARENT SHALL FILE A NOTICE OF INTENT TO RELOCATE WITH THIS COURT. EXCEPT AS PROVIDED IN O.R.C. SECTIONS 3109.051(G)(2), (3), AND (4), A COPY OF SUCH NOTICE SHALL BE MAILED BY THE COURT TO THE NON-RESIDENTIAL PARENT. UPON RECEIPT OF THE NOTICE, THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE NON-RESIDENTIAL PARENT, MAY SCHEDULE A HEARING WITH NOTICE TO BOTH PARTIES

TO DETERMINE WHETHER IT IS IN THE BEST INTERESTS OF THE CHILD OR CHILDREN TO REVISE THE PARENTING TIME OR PARENTING SCHEDULE FOR THE CHILD OR CHILDREN.

**B. Day Care Center Access Notice:** Pursuant to Ohio Revised Code §3109.051(I), the parties hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY COURT ORDER, AND IN ACCORDANCE WITH O.R.C. §5104.011, THE PARENT WHO IS NOT THE RESIDENTIAL PARENT IS ENTITLED TO ACCESS TO ANY DAY CARE CENTER THAT IS OR WILL BE ATTENDED BY THE CHILD OR CHILDREN WITH WHOM PARENTING TIME IS GRANTED, TO THE SAME EXTENT THAT THE RESIDENTIAL PARENT IS GRANTED ACCESS TO THE CENTER.

**C. Records Access Notice:** Pursuant to Ohio Revised Code §3109.051(H), and 3319.321(B)(5)(a) the parties hereto are notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY THE PARTIES' JUDGMENT ENTRY, AND SUBJECT TO O.R.C. SECTIONS 3125.16 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 CHILD OR CHILDREN AND TO WHICH SAID RESIDENTIAL PARENT OF THE CHILD LEGALLY IS 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.

**D. School Activities Notice:** Pursuant to Ohio Revised Code §3109.051(J), the parties hereto are hereby notified as follows:

EXCEPTING AS SPECIFICALLY MODIFIED OR OTHERWISE LIMITED BY THE PARTIES' JUDGMENT ENTRY, AND SUBJECT TO Division (F) of O.R.C. §3319.321, THE NON-RESIDENTIAL PARENT IS ENTITLED TO ACCESS UNDER THE SAME TERMS AND CONDITIONS AS THE RESIDENTIAL PARENT, TO ANY STUDENT ACTIVITY THAT IS RELATED TO THE CHILD OR CHILDREN AND TO WHICH THE RESIDENTIAL PARENT OF THE CHILD LEGALLY IS PROVIDED ACCESS.

## **VIII. Illness and Injury**

A. The residential parent shall promptly inform the other parent of any illness of the child requiring medical attention. Elective surgery shall be performed only after consultation with the other parent. The other parent shall be consulted before emergency surgery if time permits, and shall in any event be informed of such surgery as soon as possible.

## **IX. Prohibited Conduct; Sanctions**

A. The following conduct is prohibited:

1. Criticizing the other parent in the presence of the child.
2. Attempting to modify the religious practice of the child without having first consulted the other parent.
3. Habitually failing to spend significant time with the child during parenting time periods. Failing to encourage a child to visit with the other parent (except upon the reasonable and substantiated belief that such parenting time will result in abuse to the child).
4. Habitually failing to promptly pick up the child for parenting time.
5. Habitually failing to promptly return the child after parenting time.
6. Habitually returning the child prior to the end of a scheduled parenting time.
7. Cancellation of parenting time without reasonable notice.
8. Cancellation of parenting time without reasonable justification.
9. Neglecting, endangering or abusing the child during any parenting time.
10. Interfering with telephonic or mail communication between the child and other parent.
11. Failing to keep the other parent required of the child's whereabouts when required by the terms of this Local Rule.
12. Habitually failing to ensure that the child completes mandatory school assignments while on parenting time.
13. Failing to ensure that the child attends mandatory school activities

during parenting time.

14. Failing to keep the other parent informed of a parent's address and telephone number.
15. Failing to inform the other parent of a serious or potentially serious accident, injury or illness involving the child.
16. Consuming an unreasonable amount of alcoholic beverage or any amount of a controlled substances (other than prescription medication) while exercising parenting time, whether or not the child is then and there present.
17. Failing to provide clean, adequate clothing for parenting time; or to return such clothing after parenting time.
18. Other acts omission of commission found to violate the spirit or terms of this Local Rule.

- B. Any of the rights or responsibilities described in this Local Rule may be enforced by the court on motion of either party. Penalties for interference with such rights or failure to comply with such responsibilities may include incarceration in the Shelby County Jail, fines, the award of attorney fees, modification or curtailment of parenting time and, if necessary, loss of residential or shared parenting rights.
- C. No party may withhold the rights granted by this Local Rule because the other party fails to pay child support, maintain medical insurance, pay medical bills or the like. Other remedies, including the free services of the Shelby County Child Support Enforcement Agency, exist to correct such problems.

## **X. Implementation**

- A. Unless otherwise clearly indicated by the text, the use of the word "child" in this rule refers to any number of children with whom a parenting time order is concerned. Although the phrase "visiting parent" is used for convenience, it includes the residential parent when the parent's role is temporarily of a non-custodial nature, such as when the visiting parent has the child for a summer vacation. The parties shall apply common sense in applying such definitions.
- B. The parties to a parenting time arrangement may agree as to any matter of parenting time in any way that they mutually and reasonably agree to be in the best interest of the child. Such agreement need not be formal and need

not be in writing. However, to the extent that the parties now or hereafter fail to agree on any matter described in this Rule, then the provisions of this Rule dealing with such matter shall automatically control their conduct. Any party who claims in a post-judgment proceeding to excuse his or her conduct by claiming that it is conformed to the parties' agreement shall have the burden of proof as to the existence of such an agreement.

- C. It shall be the duty of an attorney for a party to explain to that party his or her rights and responsibilities under this rule, and to furnish a copy of this rule to such party.