

COMMON PLEAS COURT, VAN WERT COUNTY, OHIO

APPENDIX A

STANDARD RULES FOR
RESIDENTIAL AND NON-RESIDENTIAL PARENTS
AND THE ALLOCATION OF CERTAIN
PARENTAL RIGHTS AND RESPONSIBILITIES
(revised 1/1/07)

ATTORNEYS AND PRO SE PARTIES ENGAGING IN DOMESTIC RELATIONS PRACTICE BEFORE THIS COURT ARE CHARGED WITH KNOWLEDGE OF THESE STANDARD RULES.

1.0 Purpose of Standard Rules:

The Standard Rules are created solely to benefit the children of divorced and separated parents and are drafted to minimize the impact of the divorce and separation on the children and their lifestyles.

The Rules set specific times for visitation and companionship to enable children to spend an equitable amount of time with both their parents in consideration of their age, educational and extra-curricular obligations and their parents work schedules. The schedules are designed to give the children specific times that they can rely on to be with their parents and to provide them with stability, order and continuity.

The Standard Rules are not created to give parents legal weapons to use against each other. The Court will consider a parent's breach of an obligation, first in the light of the effect it has on the children, and secondly, its effect on the other parent.

1.1 Obligations imposed on both parents:

Mutual respect:

Neither parent shall criticize the other or allow a subsequent spouse or significant other to do so in the presence of the children.

Communication between parents:

Both parents will communicate directly with each other regarding any matters involving their children. Neither parent will communicate with the other through subsequent spouses, significant others, relatives or the minor children unless such communications are amicable and are of minor significance.

Communication between parent and children:

Both parents shall encourage free communications between the children and other parent. Neither parent shall do anything to impede or restrict communications by E-mail, fax or surface mail between the children and the other parent, whether the same is initiated by the children or the other parent.

The mail exchanged by the children and either parent shall be strictly confidential between the children and that parent and such mail shall not be opened or read by the other parent.

The non-residential parent shall have the right to initiate a telephone call to each child twice each week. The duration of the call shall not exceed fifteen (15) minutes. The residential parent shall have the same rights during the summer and Christmas vacation

Each child shall have the right to initiate telephone calls to the non-residential parent at least twice each week. The duration of the call shall not exceed fifteen (15) minutes. The child shall have the same right to call the residential parent during the summer and Christmas vacation

Religious practice:

Neither parent shall attempt to modify the children's religious practices without the consulting with the other or the Court.

1.2 Education of the children:

School district:

Unless otherwise agreed, the children shall attend the public schools in the school district where the residential parent resides.

Neither parent shall enroll the children in a private or parochial school without the consent of the other or an order of Court first obtained, unless, the children were so enrolled during the marriage.

School records, notices and activities:

The residential parent shall make contact with the administrators of the schools that the children attend and cause the school to enter in its student records the name, residence address and telephone number of the non-residential parent and any information the school may need to reach the non-residential parent for routine or emergency reasons.

The residential parent shall direct and authorize the school to release any and all information concerning the children to the non-residential parent. The residential parent and the school shall make such arrangements as are necessary to timely provide to the non-residential parent copies of all grade reports, notices and bulletins that the residential parent would routinely receive from the school.

If for any reason the school is unable to provide the non-residential parent with the grade reports, notices and bulletins that the residential parent routinely receives, then the residential parent shall make copies of the same and shall immediately deliver them to the non-residential parent.

The residential parent shall be responsible to provide the following information and deliver the same to the non-residential parent as soon as it is available, to wit:

Parent teacher meetings which shall be scheduled, whenever possible, so that both parents can attend together and

School programs and all scheduled events in which the children are participants or have a particular interest in, including but not limited to the following, academic, drama, athletic, instrumental or vocal music programs, school clubs, or other organized programs or events and

Extra-curricular programs and all scheduled events in which the children are participants or have a particular interest in, including but not limited to the following, baseball, softball, swimming, scouting, 4-H, Y.M.C.A. or Y.W.C.A, theater, music recitals, church pageants and programs and any other programs or events.

1.3 Medical, dental and optical care:

The children shall continue to be cared for by the same health care providers that attended them during the time the parties were married unless otherwise agreed to by the parties, or for geographic reasons is not practical.

Routine medical, dental and optical care will be arranged for by and be the responsibility of the residential parent. Consulting with the non-residential parent is not required before such routine care is undertaken.

Either parent who has the physical custody of the children at the time, shall promptly notify the other of any illness or injury that requires the children to be seen or treated by a doctor or other health care provider.

Either parent who has the physical custody of the children at the time can authorize emergency care or surgery necessary for the preservation of life or to prevent a further serious injury or condition and the same may be performed without consultation with the other parent, if time does not permit. In such event, as soon as possible, the other parent shall be notified of the occurrence and given full details of the children's treatment and condition, the name of the treating physicians and the location of the medical facility where the children have been admitted or treated.

Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the children without timely consulting with the other parent in advance.

Neither parent shall subject the children to a piercing of any part of their anatomy, or allow the children to do so on their own, without the consent of the other parent.

1.4 Local Parenting Time and Companionship:

Days, times and hours of visitation:

Week end visitation shall be from 7:00 P.M. Friday to 7:00 P.M. Sunday. (Beginning and ending times may be varied to accommodate work schedules)

Holiday visitation:

1. President's Day, Memorial Day and Labor Day week ends from 7:00 P.M. Friday to 7:00 P.M. Monday.
2. Easter from 7:00 P.M. Thursday to 7:00 P.M. Sunday.
3. Fourth of July: If July 4 occurs during the week, from 7:00 P.M. July 3rd to 9:00 A.M. July 5th. If July 4 falls on Friday, from 7:00 P.M. July 3rd to 7:00 P.M. Sunday. If July 4 falls on Saturday, Sunday or Monday, from 7:00 P.M. Friday to 7:00 P.M. Monday.
4. Thanksgiving, from 7:00 P.M. Wednesday to 7:00 P.M. Sunday.
5. First part of Christmas vacation: From 7:00 P.M. the last day of school before Christmas to 2:00 P.M. Christmas Day.
6. Second part of Christmas vacation: From 2:00 P.M. Christmas Day to 7:00 P.M. on the day next preceding the commencement of school at the end of Christmas vacation.
7. Four weeks during the summer school recess period to be exercised in two separate terms of two weeks each. Notice of summer visitation shall be afforded to the residential parent at least 30 days in advance thereof in writing.

Visitation schedule for both parents:

MOTHER	
EVEN YEARS	ODD YEARS
PRESIDENT'S DAY MEMORIAL DAY LABOR DAY FIRST HALF CHRISTMAS	EASTER FOURTH OF JULY THANKSGIVING SECOND HALF CHRISTMAS

FATHER	
EVEN YEARS	ODD YEARS
EASTER FOURTH OF JULY THANKSGIVING SECOND HALF CHRISTMAS	PRESIDENT'S DAY MEMORIAL DAY LABOR DAY FIRST HALF OF CHRISTMAS

1. The father shall have visitation as follows:
 - a. Alternating week ends and
 - b. During even numbered years, for the following holidays, to wit: Easter week end, July 4 or July 4 week end, Thanksgiving week end and the second part of the Christmas vacation.

c. During odd numbered years, for the following holidays, to wit: President's Day, Memorial Day and Labor Day week ends and the first part of the Christmas vacation.

d. Four weeks during the summer school recess period to be exercised in two separate terms of two weeks each. Notice of summer visitation shall be afforded to the residential parent at least 30 days in advance thereof in writing.

(1) The non-residential parent shall notify the residential parent of the dates he/she intends to exercise summer visitation as soon as his/her employer posts or designates the vacation times at least 30 days in advance thereof in writing.

(4) If the non-residential parent's vacation time is not dictated by his/her employer and he/she can schedule their own vacation times, then, the non-residential parent shall not schedule his/her vacation to interfere with the residential parent's vacation if the residential parent's employer dictates his/her vacation time. If the residential parent can schedule his/her vacation at any time, the non-residential parent shall have first choice as to the dates of his/her summer visitation.

2. The mother shall retain the child/children as follows:

a. Alternating week ends and

b. During all odd numbered years, on the following holidays, to wit: Easter week end, July 4 or July 4 week end, Thanksgiving week end and the second part of the Christmas vacation.

c. During even numbered years, on the following holidays, to wit: President's Day, Memorial Day and Labor Day week ends and the first part of the Christmas vacation.

d. That part of the summer that is not subject to the non-residential parents rights of visitation. In the event a vacation trip is planned, the residential parent may suspend visitation for up to ten (10) days, with a 30 day advance written notice afforded to the non-residential parent.

3. Priority of schedules:

Holiday visitation shall take precedence over regular alternating week end visitation and summer visitation. The Court recognizes that from time to time the non-residential parent will have visitation on three consecutive weekends.

4. Other visitation times:

a. The children shall spend Father's Day with father and Mother's Day with mother from 9:00 A.M. to 7:00 P.M. without regard to whether it is the non-residential parents regular week end visitation or not.

b. At such other times as the parents may agree. Although the parents are not obligated to do so, the Court encourages additional visitation.

c. If there is no good reason to the contrary, the Court will order visitation on one weekday evening from 4:00 P.M. to 7:00 P.M. during the week.

5. Transportation and grace periods:

1. It shall be the responsibility of the party receiving the child in order to commence visitation or recommence residency to provide transportation accordingly.

2. Grace period:

a. The parent from whom the children are being picked up shall have the children ready and available at the designated time. For reasons beyond the said parents control, there will be a 15 minute grace period for having the children ready and available.

b. If the parents live within 30 miles of each other there will be a 15 minute grace period for the pickup and delivery of the children for visitation. If the parents live over 30 miles apart from each other there will be a 30 minute grace period. If the visiting parent exceeds the grace period, visitation for that week end shall be forfeited unless the other parent has been given prior notice and arrangements made or if the visiting parent has experienced vehicle breakdown or traffic congestion enroute and calls the other parent advising of the delay.

c. Neither paragraphs a. or b. next preceding shall apply to Long distance visitation.

Repeated violations of the grace period shall be cause to modify the order designating the residential parent or modifying scheduled visitation.

1.5 Long distance visitation and companionship:

In the event that the visitation specified in section 1.4 of these Rules is not feasible because of the distance between the residences of the parents or the time required to travel such distance, the following visitation schedule shall be used and the same shall constitute "reasonable visitation".

1. The non-residential parent shall have the children from 7:00 P.M. two days following the last day of school before summer vacation, returning them two weeks preceding the first day of school in the fall.

2. The non-residential parent shall have the children during all odd numbered years from 7:00 P.M. on the last day of school before Christmas vacation to 4:00 P.M. Christmas Day and during all even numbered years from 4:00 P.M. Christmas Day to 7:00 P.M. on the day preceding the commencement of school at the end of Christmas vacation.

3. At such other times as the non-residential parent may visit or have business in the immediate area of the residence of the residential parent at which time the non-residential parent shall have the right to a equivalent of a week end visitation. The non-residential parent will give the residential parent 10 days advance notice of his/her intent to exercise the same. The non-residential parent shall not take advantage of this provision more than once every three calendar months.

4. For each visitation except that set forth in paragraph 3, next preceding, it shall be the responsibility and expense of the non-residential parent to provide transportation for the commencement of visitation and it shall be the responsibility expense of the residential parent to provide transportation for the return of the children. If either parent elects to use public transportation such as airline, train or bus, it shall be the responsibility of the parent then having

physical custody of the children to timely deliver them to the terminal to connect with their transportation.

1.6 Rules applicable to both local and long distance visitation and companionship:

Visitation shall be varied to accommodate work schedules and it is anticipated that the non-residential parent will be entitled to a like amount of time on the same day but at different hours so long as it does not interfere with the child's school schedule.

The residential parent shall send sufficient clothing and outer wear appropriate for the season to last the period of visitation.

1. Clothing for week end visitation shall consist of a minimum of two sets of play clothes and one dress outfit in addition to the clothes that the children are wearing at the time of the start of visitation.

2. Clothing for summer vacation shall consist of a minimum of four sets of play clothes and one dress outfit in addition to the clothes that the children are wearing at the time of the start of visitation.

3. In the case of infants, sufficient bottles, formula and diapers to last the week end or for the travel time plus one day for summer vacation.

If a child is a participant in a school or extra-curricular activity that occurs during regular visitation, the visitation shall take place as scheduled, but the visiting parent shall have the responsibility of taking the child to the activity.

The residential parent shall not enroll a child in a school or extra-curricular activity that substantially interferes with the non-residential parents visitation rights, including summer visitation, unless the non-residential parent consents to the same.

The purpose of visitation and companionship schedules is to provide the children time to spend with their non-residential parent. The Court will not look favorably on any parent who consistently leave the children with baby-sitters or other non-family persons while the parent pursues their own pleasures or entertainment and will consider the same a violation of these Rules.

It will be considered contempt of this Court if any parent goes into a bar or tavern solely for the purpose of consuming alcohol and takes his/her children with him/her.

Whenever the language "reasonable visitation" appears in any entry filed in this Court, that term shall be construed to mean the visitation rights that are not be less than those provided for in the Local and Long distance schedules hereinafter stated.

1.7 Service of Rules on Parties:

In all cases that involve minor children, it shall be the responsibility of the Attorney of record to cause a copy of these Rules to be delivered to his/her client. Said attorney shall make reasonable efforts to make sure his/her client reads and understands these Rules.