

APPENDIX B

VAN WERT COUNTY COMMON PLEAS COURT DOMESTIC AND JUVENILE DIVISIONS

MODEL PARENTING TIME SCHEDULES AND ALLOCATION OF CERTAIN PARENTAL RIGHTS AND RESPONSIBILITIES FOR PARENTS TRAVELING OVER 150 MILES ONE WAY (Effective 1/19/19)

Purpose of Appendix B:

Most studies show and psychologists uniformly agree that the children who do best following a divorce are from 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.

However, children clearly profit by continued meaningful exposure to 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.

Liberal parenting time arrangements are encouraged. These schedules do not prohibit parents from developing their own schedule based on the ages and specific needs of their families. For guidance on tailoring an age specific parenting plan, it is recommended that the parties review the Planning for Parenting Time, Ohio's Guide for parents Living Apart which can be found on the Ohio Supreme Court's website.

<https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

This Appendix is 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 that it has on the children and secondly its effect on the other parent.

III. OBLIGATIONS IMPOSED ON BOTH PARENTS

Mutual respect: Neither parent shall criticize the other or allow any other person 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.

The children shall not be used as messengers. The children shall not have direct access to the other parent with regards to modifications of schedules, etc. Instead, any requests for changes to schedules shall occur directly between the biological parents.

All parental communication shall focus solely on the best interest of the children and both parents will refrain from making negative and disparaging comments about the other parent.

Each parent shall provide the other with his or her current residence address, mailing address, telephone number and email addresses and immediately notify the other parent of any changes in that information.

IV. MODEL PARENTING TIME SCHEDULE

Specific items in the Journal Entry take precedence over this schedule.

Parent 1 is the parent designated as the residential parent. This is the parent from whose home the children attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

Parent 2 is the parent designated as the non-residential parent.

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

All references to “school” refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides.

(CHOOSE ONE OPTION)

_____ **OPTION 1**

4. Parent 2 shall have parenting time with the children from 7:00 p.m. two days following the last day of school before summer vacation until two weeks preceding the first day of school in the fall. If, however, the children must attend summer school in order to pass to the next grade, Parent 2 shall have parenting time from 7:00 p.m. the day after the conclusion of the summer school until one week preceding the first day of school in the fall.
5. During even numbered years, Parent 2 shall have parenting time with the children from 7:00 p.m. on the last day of school before Christmas vacation to December 26th at 7:00 p.m. During odd numbered years, Parent 2 shall have parenting time with the children from December 26th at 7:00 p.m. until the day preceding the commencement of school at the end of Christmas vacation. The parents shall schedule the children’s return so that the children will be back in Parent 1’s home by 7:00 p.m.
6. During even numbered years, Parent 2 shall have parenting time with the children on Thanksgiving break from 7:00 p.m. on the last day of school before Thanksgiving break until the day preceding the commencement of school at the end of Thanksgiving break. The parents shall schedule the children’s return so that the children will be back in Parent 1’s home by 7:00 p.m.
7. During odd years, Parent 2 shall have parenting time with the children on Spring break from 7:00 p.m. on the last day of school before Spring break until the day preceding the commencement of school at the end of Spring break. The parents shall schedule the children’s return so that the children will be back in Parent 1’s home by 7:00 p.m.
8. At such other times as Parent 2 may visit or have business in the immediate area of Parent 1’s residence, Parent 2 shall receive the equivalent of a weekend visitation. Parent 2 must give Parent 1 ten (10) days advance notice of his/her intent to exercise the same. Parent 2 shall not take advantage of this provision more than once every three calendar months.
9. Parent 2 may have a once a month weekend visit if the children’s traveling time does not exceed three hours one way. Parent 2 must notify Parent 1 of the intent to exercise this visit at least thirty (30) days in advance.

OPTION 2

5. Parent 2 shall be afforded eight (8) weeks of parenting time with the children during the children's summer break from school. These visits may occur in blocks of time of four (4) weeks. Parent 2 shall provide Parent 1 with advance written notice of at least sixty (60) days. Parent 2 has priority over any vacation time of Parent 1 unless Parent 1 has vacation time during an annual mandatory shut down of their place of employment or if Parent 1 is required to give more than sixty (60) days of notice to their employer to take a vacation and Parent 2 has no similar requirement. Parent 1 shall also give Parent 2 notice of at least sixty (60) days of vacations, or special plans of the children to avoid planning conflicts. If the children must attend summer school in order to pass to the next grade, Parent 2 shall schedule the parenting time around the summer school.
6. During even numbered years, Parent 2 shall have parenting time with the children from 7:00 p.m. on the last day of school before Christmas vacation to December 26th at 7:00 p.m. During odd numbered years, Parent 2 shall have parenting time with the children from December 26th at 7:00 p.m. until the day preceding the commencement of school at the end of Christmas vacation. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
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10. Parent 2 may have a once a month weekend visit if the children's traveling time does not exceed three hours one way. Parent 2 must notify Parent 1 of the intent to exercise this visit at least thirty (30) days in advance.

III. RULES GOVERNING PARENTING TIME

EXCHANGES AND TRANSPORTATION:

- F. It shall be the responsibility of the party receiving the children to begin their parenting time to provide transportation for the children. The parties may designate a licensed insured driver known to the children to provide any of this transportation, if necessary. If either parent elects to use public transportation such as airline, train or bus, it shall be the responsibility of the parent then having parenting time with the children to timely deliver the children to the terminal to connect with their transportation.

- G. 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 parent's control, there will be a 15 minute grace period for having the children ready and available.
- H. There will be a 30 minute grace period for picking up the children. If the receiving parent exceeds the grace period, that parent's parenting time shall be forfeited unless the other parent has been given prior notice and arrangements made or if the receiving parent has experienced vehicle breakdown or traffic congestion enroute and calls the other parent advising of the delay.
- I. Repeated violations of the grace period shall be cause to modify the parenting time order or to modify the order designating the residential parent.
- J. The party transporting the children must have and utilize a car seat/booster seat and must comply with all child restraint laws.

COMMUNICATION BETWEEN PARENTS AND CHILDREN:

Both parents shall encourage free communications between the children and the other parent. Neither parent shall do anything to impede or restrict communications by email, mail, text or phone calls between the children and the other parent regardless of who initiated the contact.

The non-visiting parent shall have the right to initiate at a minimum two telephone calls to the children each week. If the children are unavailable for conversation, each parent shall take the responsibility of seeing that the children timely return the call.

Each child shall have the right to communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means such as texting, Skype, Face Time, etc.

CLOTHING AND THE CHILDREN'S APPEARANCE

D. Parent 1 is responsible for providing sufficient appropriate clean clothing and outerwear for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, Parent 2 must notify Parent 1 in advance. If the child does not own the type of clothing requested, Parent 1 is not obligated to comply with the request. All clothing sent by Parent 1 **MUST** be returned immediately after the parenting time period in good condition, reasonable wear and tear excepted.

For all visits with the exception of summer visitation, if the children are infants, Parent 1 shall send sufficient bottles, formula and diapers to last the duration of the parenting time. For summer visitation, Parent 1 shall send sufficient bottles, formula and diapers to last one week, then Parent 2 is responsible for same for the remaining parenting time.

E. Absent an agreement by both parents, the children's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to cutting/coloring of hair, tattoos and body piercing.

ILLNESS: Because parenting includes the responsibility to care for the children during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the children's illness. It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's

condition or contagiousness. A child who is confined to bed rest pursuant to a physician's instructions is presumed too ill for parenting time exchanges to take place. The parent who is exercising parenting time with the children at the time of the illness shall notify the other parent of the illness prior to the exchange of the children. Any parenting time that is missed due to the illness of the children shall be made up within 30 days or as the parents mutually agree.

MEDICATION: If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the medication shall pass from one parent to the other during the exchanges of the child along with written instructions for the administration of the medication and the name and telephone number of the medical care provider. Each parent shall administer the medication to the child pursuant to the physician's instructions.

MEDICAL, DENTAL, AND OPTICAL CARE:

- G. The children shall continue to be cared for by the same health care providers unless otherwise agreed to by the parties or for geographic reasons is not practical.
- H. Routine medical, dental and optical care will be arranged by and be the responsibility of Parent 1. Consulting with Parent 2 is not required before such routine care is undertaken.
- I. 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.
- J. Either parent who has parenting time with 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 consulting 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.
- K. Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the child without the consent of the other parent in advance. In the event that no agreement can be reached, the parties can petition the Court for a determination as to whether the procedure should occur.
- L. Both parties agree to utilize only in network providers to provide services to the minor children unless the parties mutually agree to a specific out of network provider. Any party who takes the children outside of the network without the approval of the other party will be solely responsible for all costs incurred for the service.

EDUCATION

- C. School District: Unless otherwise agreed, the children shall attend the public schools in the school district where Parent 1 resides. Neither parent shall enroll the children in a private or parochial school without the consent of the other or an order of the Court first obtained, unless the children were so enrolled during the marriage or custody action.
- D. School Records, Notices, and Activities:

7. Parent 1 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 Parent 2 and any information the school may need to reach Parent 2 for routine or emergency reasons.
8. Parent 1 shall direct and authorize the school to release any and all information concerning the children to Parent 2. Parent 1 and the school shall make such arrangements necessary to timely provide to Parent 2 copies of all grade reports, notices and bulletins that Parent 1 would routinely receive from the school.
9. If for any reason, the school is unable to provide Parent 2 with the grade reports, notices and bulletins that Parent 1 routinely receives, the Parent 1 shall make copies of the same and immediately deliver them to Parent 2.
10. Parent 1 shall be responsible to provide the following information and deliver the same to Parent 2 as soon as it is available: School programs, scheduled events in which the children are participants, or have a particular interest in, including but not limited to, academic, drama, athletic, instrumental or vocal music programs, school clubs or other organized programs or events, extra-curricular programs and all scheduled events in which the children are participants or have a particular interest in, including, but not limited to organized sports, scouting, 4-H, YMCA, YWCA, theater, music recitals, church pageants and programs and any other programs of events.
11. Parent 1 shall notify Parent 2 of all parent teacher meetings and said meetings shall be scheduled so that both parents can attend together, if possible.
12. Each parent is responsible to set up his or her own online access to school records and information, if available.

NOTICE OF INTENT TO RELOCATE: Each parent must file a notice of intent to relocate any time they change their residence from that of the residence where they resided at the time of the last parenting order. Said notice must be filed with the Court that issued the parenting order. Said notice must be filed at least thirty (30) days in advance of the relocation, absent emergency circumstances. The Court shall send a copy of the notice to the non-moving parent. The Court, on its own motion or the motion of the non-moving parent may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child. If neither the Court nor the non-moving parent files a motion with the Court, the moving parent is entitled to relocate at the conclusion of the thirty (30) day period.

NONCOMPLIANCE WITH COURT ORDER: The duties and rights of parents outlined in this Appendix may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio Law, a parent may not withhold parenting time because the other parent does not obey another order of the Court (for instance, to pay support, medical bills, etc). A parent may seek enforcement of a periodic child support order by contacting the Van Wert County Child Support Enforcement Agency. The failure of any party to obey a Court order may be subject the violating parent to Court imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs and other appropriate relief.

RECORDS ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051 (H) and 3319.321 (B)(5)(a), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321(F), the parent who is not the residential parent is entitled to access to any record that is related to the child(ren), under the same terms and conditions as

the residential parent, and to which said residential parent is legally provided access. Any keeper of a record who knowingly fails to comply with this order is in contempt of court.

DAY CARE CENTER ACCESS NOTICE: Pursuant to Ohio Revised Code Sections 3109.051(I), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and in accordance with R.C. Sections 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(ren) with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

SCHOOL ACTIVITIES NOTICE: Pursuant to Ohio Revised Code Section 3109.051 (J), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321 (F), the parent who is not the 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(ren) and to which the residential parent of the child(ren) legally is provided access. Any school employee or official who knowingly fails to comply with this order is in contempt of court.

Any time a Judgment Entry orders parenting time in accordance with one of the options in Appendix B, a copy of Appendix B shall be attached to and incorporated in the Judgment entry.

This version of the local rules is intended to be prospective in application only. All Judgment Entries that make reference to the Standard Rules of Visitation that were filed prior to 1/19/19 shall be governed by the local rules in effect as of the date of that entry.