



HUMAN DEVELOPMENT

Developing a Parenting Plan

A Guide for Divorcing Parents

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The legal and practical aspects of a parenting plan

In 1998, the Missouri General Assembly mandated divorcing parents, with children under the age of 18, to file a parenting plan with the court as a part of the divorce process.

The plan can be filed separately by each parent, or as a joint agreement of the parents. In either case, the court creates the child custody and support agreements from the parenting plan(s). Parenting plans must be filed within 30 days of receiving the summons, or filing an entry of appearance, whichever happens first. A parenting plan describes how the parents will contribute to the care and well-being of the child by providing detailed information in four areas: **custody and visitation; decision-making rights and responsibilities; dispute resolution; and expenses of the child(ren).** A parenting plan may also be part of the motion to modify process. A motion to modify is a written request to the court to change specific provisions of a judgment of dissolution.

The parenting plan will direct the future parental and parent-child relationships. For this reason, parents should be actively involved in develop-



details of a parenting plan. The information follows the same form as the Missouri Parenting Plan Guidelines.

Custody and visitation

Definitions

Physical custody refers to the living or residential arrangements of the child and how the child's time is shared between parents. When a parent has custody of the child, the child lives with that parent. The custodial parent has the day-to-day care, supervision and decision-making responsibilities for the child. When an emergency decision-making situation occurs, the other parent should be notified as soon as possible.

A parent may have **sole physical custody** in which the child lives and spends the majority of time with one parent. In **joint physical custody** arrangements, the child spends time and lives with both parents.

Considerations

In traditional joint physical custody agreements, the child lives part of the time in the mother's house and part of the time in the father's house. **Bird's nest custody** is an arrangement where

ing the parenting plan. Research suggests that when the parents can work together to develop the parenting plan, the plan is much easier to implement and works more effectively. If the parents are cooperatively parenting, they can be supportive of each other, share responsibilities, and make decisions regarding the child's care and well-being. MU Extension publication *GH 6129, Parenting: Success Requires A Team Effort*, gives more information about cooperative parenting.

The parenting plan

Parents know the most about the child and the child's needs. Parents are also aware of their parenting strengths. The parenting plan should be based on both parents' strengths in meeting the child's needs. This guide defines terms and discusses considerations that need to be addressed in deciding the specific

the children remain in the home and the parents alternate living with the children. Joint custody works best when both parents are within the same community or neighborhood. When parents are geographically separated, the child may have a primary residence during the week and school year and then visit the other parent on weekends, holidays and during summer vacations. The parenting plan also indicates when and where the exchange of the child is made between households. The parent may pick the child up at the appropriate time from day care, school or the other parent's home and return the child at the appropriate time back to day care, school or the other parent's home — depending upon the arrangement.

Joint custody gives both parents substantial amounts of time with the child. The schedule is created by the parents' specification of how the time is shared during the week, on weekends and holidays. These specifications are a part of the parenting plan form and any change from the basic schedule (as listed in the form) will need to be presented to the court for approval. There are many possible combinations of time from which parents can select. For example, combinations that might give an equal amount of time are alternate weekends, one night a week, and all summer or alternating three-day and four-day stays. A more typical schedule would be alternate weekends, alternate holidays and one night a week. This combination would give both parents weekly contact with the child.

No matter how the time is divided, all family members should have a copy of the schedule that includes dates and times. For young children, this may be a color-coded calendar; for older children

and adolescents, a regular calendar or date book may be satisfactory. Knowing the schedule helps children be prepared to go between houses and helps eliminate the need to question parents about the schedule.

Decision-making rights and responsibilities

Definitions

Legal custody refers to the decision-making rights and responsibilities concerning the child's health, education and welfare.

Sole legal custody gives one parent the responsibility for making significant legal decisions. The other parent may be permitted to make certain legal decisions, if specified by the parenting plan. In **joint legal custody** situations, both parents share the responsibility of making decisions about the child. This requires the parents to be cooperative and may be allowed only if both parents agree formally.

Considerations

Whether the parents decide to have sole or joint legal custody, any major decisions regarding the child's health,

education or welfare should be a shared decision by both parents. Decisions about child/day care, basic education and college, religious affiliation and training, and special talents and corresponding lessons or camps should be made with input from both parents and maybe the child. These decisions can affect the amount of time the child has to spend with parents, as well as the parents' financial obligations.

Not only should both parents' names be listed on any school or health records of the child, but both parents should have access to any records relating to the child. Whenever possible, both parents should know about and be present at parent-teacher conferences; school, sporting and religious events; or any other activities in which the child is a participant. A parent's presence is an important indicator of the love, concern and support of the child.

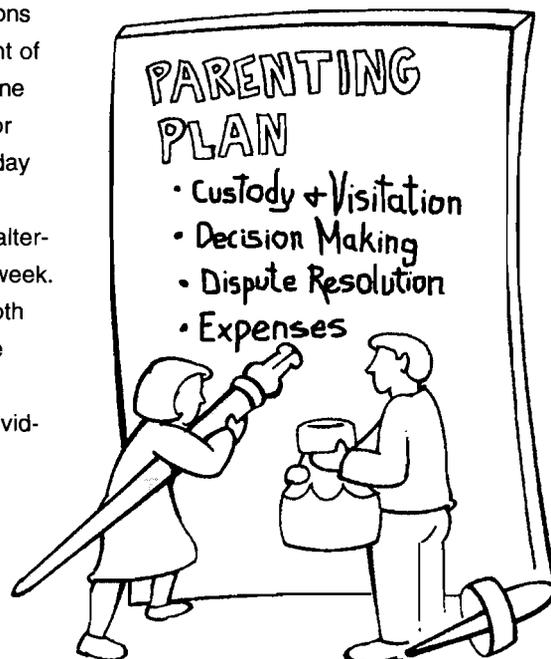
The parenting plan requires parents to designate who will make physical and mental healthcare decisions. These decisions include who the healthcare providers will be, what care and treatment will be given, and what medications will be taken. If the decisions are not made jointly by both parents, a reason must be stated in the parenting plan. Each parent should have the capability to access medical attention for the child in emergency situations.

Dispute resolution

Definitions

Mediation uses a neutral person, who may be appointed by the court, to help parents make choices and decisions about their child. If there is a charge for the mediation services, the parenting plan designates how the service will be paid for.

A **Motion to Modify** is a written request to the court to change specific



provisions of a judgement of dissolution (also known as the divorce decree). If the motion to modify involves the terms of the custody, visitation or support of the child from the marriage, a parenting plan is filed.

Considerations

Inter-parental conflict is a major factor in how well the child adjusts to a parental divorce. Conflict in the presence of the child should be avoided. But when conflict occurs, how parental conflict is resolved sets an example the child can use in his or her future relationships with others. Although the process and language used in a divorce proceeding is naturally adversarial, divorcing parents need to create an environment of cooperation with each other. This environment may include developing a method for sharing information and include a process for negotiations. Negotiations could be handled by planning a meeting in a neutral location or a phone conversation with an agenda of only one or two issues. Parenting issues (discipline, time-sharing, etc.) and money issues should be discussed separately, at different times. Once the agenda is planned, it should be adhered to. Bringing up other issues can reduce cooperation and may lead to arguments or conflict.

Expenses of the child or children

Definitions

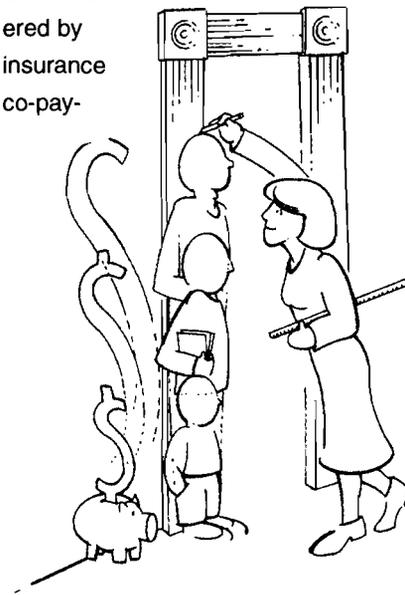
It is the responsibility of both parents to provide for the financial support of their child through **child support**. This includes the basic needs of food, shelter, clothing, education and routine medical care. Terms of the child support agreement should be specific and not just a dollar amount. Child support is calculated using Form 14. The form

may be obtained from a lawyer, on the web or through the court system. (See *Resources* on the following page of this guide.)

Considerations

Although child support and custody are two separate agreements, there is some overlap. Decisions about legal and physical custody should be made before child support is calculated because these decisions could affect the child support agreement. There may be additional expenses when the child pursues interests and develops special talents. Whenever possible, these additional expenses should be listed in the parenting plan. In terms of physical custody, the amount of support may be tied to the number of overnight stays in each house. Transportation costs between households may be a factor that needs to be taken into consideration.

There may be many options for payments of health insurance; the parent with the better coverage may make the payments, the payments could be divided equally between the parents, or one parent could make the payment. Who pays for services and prescriptions that are not covered by insurance co-pay-



ments should be a part of the parenting plan.

Financial support may continue to be a point of disagreement long after the divorce is final. Some of the disagreements may be the result of not having a realistic idea of the costs of raising a child. Another issue that can be a problem is the payment of child support. Parents should make every effort to meet their financial obligations for their children in a timely manner. Meeting these obligations is not only important to the care of the child, but also to the well-being of the child. When a child is aware that a parent is not meeting the financial obligations of child support, the child may interpret this as a loss of interest and love by the parent.

The income that supported the family before the divorce will need to support two separate households after the divorce. To make ends meet, parents may need to work more hours, take an additional job or economize whenever possible.

Building in changes

Life and parenting hold many unforeseen circumstances. For example, disability, remarriage and the relocation of a parent will require that the parenting plan be changed. The death of a parent may raise questions about the rights and responsibilities of the deceased parent's family. Custody and support provisions by the surviving parent may be altered as a result of the other parent's death.

Day-to-day circumstances may require some flexibility in the parenting plan to avoid going back to court. This may be accomplished by private agreements between the parents. Private agreements can be worthwhile to both parents, but must be acceptable to both parents before being carried out. The

following are examples of private agreements to accommodate special circumstances.

- When a parent needs to have a babysitter overnight, the other parent could have the option of having the child or children with him or her or the *right of first refusal*. This agreement would not affect the custody or child support agreements, but would be a means of spending extra time with the child or children while helping the other parent.
- As a child grows, so does the cost of caring for him or her. A *cost of living clause* may be included when the child is young to plan or allow for expenses such as braces, glasses, college tuition, etc., in addition to the increase in basic costs.
- Many authors of divorce guides for parents recommend an *annual review of the parenting plan* during the first years of implementation. Both parents should do this review, preferably together, to identify provisions that should be maintained and provisions that might need to be changed.
- When parents divorce, the marital relationship ends but not the parental relationship. This *relationship must be reorganized* to fit the new role and responsibilities of parenting apart. The parenting plan is a written, legal document that helps parents share the time, caregiving responsibilities and financial obliga-

tions of being a parent. The plan should have enough detail to be useful, yet enough flexibility to be realistic. The ultimate goal of a parenting plan is to provide the details that reflect the best interests of the child.

References

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- Hickey, E. and Dalton, E. (1997). *Healing Hearts*. Seattle, WA: Gold Leaf Press.
- Ricci, I. (1997). *Mom's House, Dad's House*. New York: a Fireside Book published by Simon and Schuster.
- State of Missouri, Office of State Court Administrator. (September 1999). *In Your Child's Best Interest, A Handbook for Separating/Divorcing Parents*.

Resources for developing a parenting plan

- Parenting Plan Guidelines and template:
<<http://www.osca.state.mo.us>>
select *Supreme Court orders/rules*; and then select *Parenting Plan Guidelines, Form 14 Child Support Worksheet*.
- Form 14 calculator:
<http://www.rollanet.org/~chclaw/child_support_form-10_98.html>

Divorce Helpline Webworks: Five worksheets to help you get organized:
<<http://www.divorcehelp.com/WR/>>

Cooperative Parenting Agreement:
<<http://www.divorcesource.com/CA/ARTICLES/dishon1.html>>

Focus on Kids (MU Extension publications):
<<http://web.missouri.edu/~hdfswwww/FOK/html/articles.html>>

Divorce Matters (Iowa State University publications):
<<http://www.extension.iastate.edu/Publications/>>

For more information

GH 6129, Parenting: Success Requires A Team Effort, MU Extension publication (August 2000), University of Missouri-Columbia, Mo.

To learn more, please visit the MU Extension World Wide Web site at:
<muextension.missouri.edu/xplor/>

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