

Developing a Parenting Plan

A Guide for Divorcing Parents

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 between the parents. In either case, the court drafts the child custody and support agreements from the parenting plan or plans. 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 contribute to the care and well-being of the child and provides detailed information in four areas:

- Custody and visitation
- Decision-making rights and responsibilities
- Dispute resolution
- Expenses of the children

A parenting plan might also be part of the motion to modify, which is a written request to the court to change specific provisions of a judgment of dissolution.

The parenting plan directs the future parental and parent-child relationships, so parents should be actively involved in developing the parenting plan. Research suggests that when the parents can work together to develop the parenting plan, it is much easier to implement and works more effectively. If they cooperate, parents can be supportive of each other, share responsibilities and make decisions regarding their children's care and well-being.

The parenting plan

Parents know best about what their children need as well as where their parenting strengths lie. The parenting plan should be based on both parents' strengths in meeting the child's needs. This guide discusses terms and issues that should be considered to draft a specific and helpful parenting plan. The information follows the same form as the Missouri Parenting Plan Guidelines.

FOCUS on Kids



This guide is part of a series aimed at helping families in which parents are separated or divorcing and who share parenting responsibilities for children. We will use the terms divorce and separation interchangeably to describe parents who are separated from each other.

Custody and visitation

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

should be notified as soon as possible.

A parent might 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 divides time between both parents' households. Bird's nest custody is an arrangement where the children remain in the home and the parents alternate living with the children. Joint custody works best when both parents live in the same community or neighborhood. When parents are geographically separated, the child might have a primary residence during the week and school year and then visit the other parent on weekends, holidays and summer vacations.

The parenting plan also indicates when and where the exchange of the child is made between households. The parent might pick the child up at the appropriate time from day care, school or the other parent's home and return them at the appropriate time — depending upon the arrangement.

Joint custody gives both parents substantial amounts of time with the child. The schedule is created by the parents' specifications of how time is shared during the week, on weekends and holidays. These specifications are a part of the parenting plan form, and any deviation from the basic schedule needs to be presented to the court for approval.

Time can be divided based on many possible combinations or choices. For example, combinations that might give an equal amount of time are alternate weekends, one night a week, and all summer or alternating three- 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.

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No matter how time is divided, all family members should have a copy of the schedule that includes dates and times. For young children, this might be a color-coded calendar; for older children and adolescents, a regular calendar might suffice. Knowing the schedule helps children be prepared to go between houses and eliminates the need to question parents about the schedule.

Decision-making rights and responsibilities

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 might 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. In that case, parents must cooperate, and joint legal custody might only be allowed if both parents formally agree to it.

Considerations

Whether 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-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, 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 their love, concern and support of the child.

The parenting plan requires parents to designate who makes physical and mental healthcare decisions. These decisions include selecting healthcare providers, what care and treatment are given, and what medications are taken. If both parents do not make decisions jointly, 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

Mediation uses a neutral third party, who might 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 is paid for.

Considerations

Interparental conflict is a major factor in how well the child adjusts to a divorce. Conflict in the presence of the child should be avoided, but how parental conflict is resolved when it occurs sets an example the child can use in their 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 might include developing a method for sharing information and 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 followed. Bringing up other issues can impede cooperation and might lead to arguments or conflict.

Children's expenses

It is the responsibility of both parents to provide financial support 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, not just a dollar amount. Child support is calculated using Form 14, which is availability from a lawyer, online or through the court system.

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 might 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 might be tied to the number of overnight stays in each house. Transportation costs between households might be a factor that needs to be taken into consideration.

There might be many options for payments of health insurance. The parent with the better coverage might 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 not covered by insurance copayments should be a part of the parenting plan.

Financial support might continue to be a point of disagreement long after the divorce is final. Some of the disagreements might 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 their well-being. When a child is aware that a parent is not meeting the financial obligations of child

support, they might interpret this as a loss of interest and love by the parent.

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

Building in changes

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

Day-to-day circumstances might require some flexibility in the parenting plan to avoid going back to court. This might be accomplished by private agreements between parents. Private agreements can be worthwhile, 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 children with them 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 children while helping the other parent.
- As a child grows, so does the cost of caring for them. A cost of living clause might be included when the child is young to plan or allow for expenses (e.g., braces,

glasses and college tuition) 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, preferably together, to identify provisions that should be maintained and provisions that might need to be changed.
- The marital relationship ends when parents divorce, but the parental relationship continues. This relationship must be reorganized to fit the new roles and responsibilities of parenting apart. The parenting plan is a written, legal document that helps parents share the time, caregiving responsibilities and financial obligations 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.

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