

Family Court Services
Third Judicial District

Parenting Time Language and Tips

Parenting Time:

- “1st, 3rd, and 5th weekend of each month, Friday 6:00 p.m. to Sunday 6:00 p.m.”
 - Consider adding, “The 1st Friday of each month determines the 1st weekend of each month.”
- “Alternating weeks, exchanging Fridays at 6:00 p.m.” OR “Every other week, Friday 6:00 p.m. to Friday 6:00 p.m.”
 - Consider adding, “The first full week after the order is entered determines the first week of the rotation. If more than 2 weeks has passed with Parent A having no parenting time, the rotation will begin again the following Friday.”
- “Exchange weekly every Friday at 6:00 p.m.”
- “50/50 or as agreed upon by parties. If parties cannot agree, then parenting time shall be xyz (specific days and times)...”
- “Based on Parent B’s work schedule. If parties cannot agree, then parenting time shall be xyz specific days and times)...”
- Graduated plans: See examples.
- “Respondent’s weekend visitation shall coincide with Parent A’s other child so as to maintain the sibling bond.”
- TIPS
 - It is common for people to put a Wednesday evening in the plan when there is an every other weekend schedule. Be sure to discuss with parents how practical this is, depending on how far away the parent will have to travel to pick up the child(ren), how many hours are allotted for the evening visit, transportation, etc.
 - It may be beneficial to use a blank calendar and write an A or B for the relevant parent in the days each parent will have.
 - Summer, winter, or school breaks: include a start/end date and time.
 - i.e. “Beginning the day of school release at 4:00 p.m.,” or “Beginning the following day after school release at 10:00 a.m.”
 - i.e. “Ending the day school resumes at 8:00 a.m.,” or “Ending the Friday before school resumes at 3:00 p.m.”
 - Holidays: stagger odd/even years between Parent A or Parent B so one parent does not lose time during the holidays for an entire year. Include a start/end day and time.
 - For parents moving away, discuss exchange locations, communication regarding itinerary, and travel.

Substance Abuse Testing:

- Consider: Who has to test (Parent A or Parent B), who can request the testing (Parent A or Parent B), who is paying for the testing, what kind of testing (5-panel, 10-panel, UA or hair follicle, etc.), if the

testing should be observed, where and how will the results be shared, consequences for a positive test.

- i.e. “Either parent may require that the other parent take a 10-panel UA drug test at the requesting parent’s expense. If the test is positive or invalid, the parent who tested positive will reimburse the requesting parent the cost of the test. Further, if the test is positive, the parenting time for that parent shall be forfeited until that parent can produce a negative drug result at his or her own expense. Results will be provided to the Court, attorneys, *xyz...*”
- i.e. “Parent A shall submit to a 5-panel, body hair follicle test within 24 hours of request of Parent B. If the test results are positive or invalid, or Parent A fails to test, then Parent A’s visitation with the child should be suspended immediately until further order of the court. Parent B shall pay in advance for testing. If the results are positive or negative invalid, or Parent A fails to test, Parent A should reimburse Parent B for the cost of the testing within 24 hours of the results. Failure to submit to a random testing within 24 hours will be viewed as a positive test. The results of the test should be provided to the Court and Parent B.”

Supervised Access:

- “Up to two visits, two hours per week with a professional provider or agreed upon third party.”
 - *Avoid the visits being supervised by the other parent or other parent’s family.*
- “Up to two hours, twice weekly of professionally supervised visitation with the minor children each week. Days and times of visits will be arranged with Agency .
 - *Avoid putting days and times. The Agency may have those days and times booked with other families.*
- “After a period of a minimum of six consecutive months of supervised visitation parents can submit an Agreed Modification or either parent can petition the court to modify visitations.”
 - Do not include language that instructs or requires the provider to recommend when visits shall end or “phase up” to more parenting time; this is contrary to IRFLP 717 – Supervised Access to Children.
- TIPS
 - Consider who will pay for each visit if using a professional agency.
 - Consider if a report needs to be submitted to the Court and parties. This is typically done while the case is pending. Once the case is closed, agencies do not typically continue to send a report to the Court and parties, unless specifically outlined in a court order.
 - When using a professional agency, use “every other week” language, rather than 1st, 3rd, and 5th; this will eliminate scheduling conflicts with other families who have language consistent with “every other.”
 - Add a graduated plan with the goal of moving visits away from being supervised
 - For example, supervised visits may start with an agency, then move visitations to unsupervised but in a public place, then remove public place provision, then increase amount of time for the visits, and finally increase time to include overnights.
 - Include specific days and times (does not include the visits supervised by an agency) and specific benchmarks that the visiting parent has to meet.

- If the supervised parent fails to meet the graduated timeline and benchmarks, then visits may go back a level or to the beginning, depending on the circumstances related to safety.

Graduated Plans:

- Sample 1:
 - Beginning the first day Parent B has off from work, 2 days according to Parent B's work schedule (days off-to be provided to Parent A in writing 2 weeks in advance) from 10:00 a.m. – 6:00 p.m.
 - Next phase: 1 overnight weekly according to Parent B's work schedule (days off-to be provided to Parent A in writing 2 weeks in advance) from 5:00 p.m. until 6:00 p.m. the following day.
 - Next phase: 2 overnights weekly according to Parent B's work schedule (days off-to be provided to Parent A in writing 2 weeks in advance) from 5:00 until 6:00 p.m. the following day.
- Sample 2:
 - 1 year to 1 ½ year old: Monday, Wednesday, Friday from 6:00 p.m. to 7:00 p.m. Sunday from 5:00 p.m. to 7:00 p.m.
 - 1 ½ to 2 year old: Monday, Wednesday, Friday, 5:30 p.m. – 7: 30 p.m. Sunday from 4:30 p.m. to 7:30 p.m.
 - Once child reaches 2 years old: If conditions of first two phases have been accomplished, Parent B shall have time every other weekend 9:00 a.m. Saturday – 6:00 p.m. Sunday, and every Tuesday and Thursday 6:00 – 8:00 p.m.
- Sample 3:
 - "Beginning date – Every other weekend Friday 7:00 p.m. to Sunday 7:00 p.m. Overnights will increase by one day each week per year until parents share time 50/50, alternating weeks. Exchanges will take place on Friday at 7:00 p.m. once weeks alternate."
- TIPS
 - Consider where the visitations will take place
 - REMEMBER: Overnights for very young children may not be appropriate if one parent has been absent for a period of time, and/or one parent has provided primary care for the child.
 - Primary care when the child is young includes soothing, changing diapers, bedtime, playtime, feeding, etc.
 - Primary care in older children is attuned to child's needs, helping with homework, age appropriate chore list, appropriate discipline.