

BASIC PARENTING PLAN GUIDE for Parents

Developed by the
OREGON JUDICIAL DEPARTMENT

**STATE FAMILY LAW ADVISORY COMMITTEE —
Parenting Plan Outreach Workgroup**

and the

**OFFICE OF THE STATE COURT ADMINISTRATOR—
Court Programs and Services Division**



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To download copies of this Guide, go to the Website:
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and click on the “[Parenting Plan Information](#)” link.

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HOW TO USE YOUR BASIC PARENTING PLAN GUIDE

WHY DO I NEED A PARENTING PLAN? Oregon law requires parents (married or unmarried) to file a Parenting Plan (a document that states when the child(ren) will be with each parent and how decisions will be made) with a request for a divorce or child custody order. The purpose of this packet is to help you make your parenting plan.

WHAT SHOULD MY PARENTING PLAN LOOK LIKE? Your parenting plan may be either general or detailed. In either case, the plan must at least state the time the child(ren) will be with each parent and can also state who will do what parenting tasks. The form in this packet is one example of how a parenting plan can look.

WHO CAN HELP ME MAKE A PARENTING PLAN? There are many places to find help.

- **ON-LINE:** The Oregon Judicial Department website, www.ojd.state.or.us/familylaw, has all sorts of help if you want to try on your own. In addition to this Guide, a **Safety Focused Parenting Plan Guide** can be found there or you can ask at the place where you got this packet if copies of these guides are available. Both guides include a long list of books and other materials to help you with your parenting plan and with other questions you might have. Both guides have a list of “Words to Know” to help you understand the process better. This Guide also has information on child(ren)’s needs at different times and a list of questions to help you get started on your parenting plan.
- **LEGAL SERVICES:** You can locate a private attorney through the Oregon State Bar at (800) 452-8260 or www.osbar.org. Free or low-cost legal advice may be available to you through non-profit agencies, volunteer programs, or the bar association of your county. Check www.oregonlawhelp.org for a directory of legal aid programs.
- **PARENT EDUCATION:** Another source of information may be your county’s education program for parents going through a divorce or other child custody proceeding.
- **MEDIATION:** A mediator may be able to help you and the other parent through the process of creating a parenting plan. A mediator can help parents to find ways to talk to each other about their child(ren). If you have safety concerns about the other parent (see checklist on the next page), mediation may not be appropriate. Family mediation services are available through your local court and through private providers.
- **THE COURT:** If your court has a family law facilitator, that person may be able to help you in completing the forms and can provide other referrals. If you and the other parent cannot agree on a parenting plan, the court will order one.

IMPORTANT INFORMATION

You are not required to have a lawyer to create a parenting plan, but be aware that the provisions of your parenting plan may have important legal consequences. **READ THE INSTRUCTIONS CAREFULLY** (these are a separate document at the back of the packet) and consult with an attorney **BEFORE** filing your parenting plan if you want to know about these legal consequences or if you have other questions.

DO I NEED A SAFETY FOCUSED PARENTING PLAN? The list below can help you decide.

Has the other parent:

- acted as though violent behavior toward you or your child(ren) is OK in some situations?
- damaged or destroyed property or pets during an argument?
- threatened to commit suicide?
- pushed, slapped, kicked, punched or physically hurt you or your child(ren)?
- had problems with alcohol or other drugs?
- needed medication to be safe around others?
- threatened not to return or not returned your child(ren)?
- used weapons to threaten or hurt people?
- threatened to kill you, your child(ren) or anyone else?
- sexually abused anyone by force, threat of force or intimidation?
- been served a protection or no contact order?
- been arrested for harming or threatening to harm you or anyone else?

If you answered “yes” to any of these questions, please continue to take your safety, and your child(ren)’s safety, seriously. You may need to use a Safety Focused Parenting Plan. To get a copy of the Safety Focused Parenting Plan Guide, ask your court facilitator or go to the Oregon Judicial website at www.ojd.state.or.us/familylaw. Also, contact your local domestic violence center for additional help. Call 888-235-5333 for a referral in the State of Oregon and the Portland Metropolitan area.

Where do I start?

**QUESTIONS
TO ASK YOURSELF**





WHERE DO I START? (QUESTIONS TO ASK YOURSELF)

These questions are written to help you make choices in your parenting plan that fit the unique needs of your child(ren), yourself, and the other parent. While asking yourself the following questions, write down your thoughts on the space provided or on a separate sheet of paper. Begin with the numbered questions in each section. If you find the questions in these sections helpful and want to explore more questions, go to the “More Questions” sections. Some of the questions may be applicable to your situation, while others may not.

For books that will help you to create your Parenting Plan, see the “Resource List” in the *WHERE CAN I LEARN MORE* section of this Guide (especially “*Child Custody: Building Parenting Agreements that Work*” and “*The Divorce Decisions Workbook: A Planning and Action Guide*”).

THINK ABOUT OUR CHILD(REN)

1) What are our child’s individual qualities and what does our child need from each parent?

2) In what ways do each of us provide important things to our child?

3) How is our child doing right now?

Try to figure out what is working now and continue it in your plan, and try to figure out what isn’t working now and do something else in your plan.

4) Do I have concerns about how our child is treated? Violent acts or anger? Too much drinking or the use of drugs?

5) Has anyone else raised a concern about my well being or our child's? Am I afraid for my safety or our child's safety?

If you have any of the concerns listed in #4 or #5 or other serious safety concerns, seek help from others before writing your plan. The Safety Focused Parenting Plan Guide can help you decide if you need to develop a different kind of parenting plan. A useful web site for locating people to help you with these issues in your area is <http://www.workforcepartnersinoregon.org>.

**MORE QUESTIONS -
THINKING ABOUT OUR CHILD(REN)**

6) What kind of person is our child? What makes our child special?

7) In what situations does our child seek out one parent? In what situations does our child seek out the other parent?

8) During the initial period of bonding (the first year of the child's life), was one of us more physically and emotionally available to our child?

9) When our child is in a difficult situation, for example during separation and reunion, when feeling overtired, or in an unfamiliar situation, how does our child reach out to us? How does our child let us know that something is wrong?

10) How does our child like the current parenting arrangements? Has our child expressed any feelings, reactions, concerns, or preferences regarding the future?

11) How has our child's behavior changed since the separation? How does our child react to change? What makes it easier for our child to accept change?

12) How are each of our child(ren)'s need(s) different based on their ages, personalities, and likes and dislikes?

13) What else is important in our child's life? Who are the extended family members and other caring people who are important in our child(ren)'s life?

**THINK ABOUT HOW YOU RELATE TO YOUR CHILD(REN)
AND YOUR CHILD(REN)'S OTHER PARENT**

1) When am I at my best with our child? What helps me and my child to get along well?

2) When am I at my best with the other parent? What helps me and the other parent get along well (if at all)?

3) What am I trying to do better? What do I want the other parent to do better?

4) How can other people help our family?

Try to plan a schedule that will allow each parent to be at his or her best when the child is with the parent. When you are planning for your child, try to find a way of making decisions that will allow you and the other parent to be at your best.

MORE QUESTIONS -
THINKING ABOUT HOW YOU RELATE TO YOUR CHILD(REN)
AND YOUR CHILD(REN)'S OTHER PARENT

5) What are my plans and wishes for our child's future?

6) What do I think are the most important things for our child to achieve?

7) How do my child and I handle and resolve conflict with each other?

8) How do the other parent and I handle conflict with each other?

9) Realistically, knowing myself and the other parent, what kind of future parenting relationship is possible between us? How frequently do I want to be in contact with the other parent about the day-to-day details of our child's life?

10) Can I comfortably meet the other parent at parties, school, conferences and other functions important to our child? What would it take to become more comfortable?

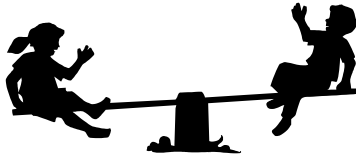
11) How did the other parent and I share parenting responsibilities and time in the past? How do the other parent and I share parenting responsibilities and time with our child now?

12) Am I happy with the current arrangements? Why or why not? Is our child happy with the current arrangements? Why or why not? If changes are in order, what would I suggest?

What's Best for my Child?

**AGES and STAGES
of
CHILDREN**





WHAT'S BEST FOR MY CHILD? (AGES AND STAGES OF CHILDREN)

When creating a parenting plan, the age, needs, and personality of each child must be considered. The amount of time a parent spends with a child is in no way a measure of how much they love their child. You will both continue to be parents. Children struggle with changes and need support on how to cope with them. One of the biggest changes for children is having parents who live in two different homes.

Things to Consider When Developing a Parenting Plan

- Conflict between parents makes it hard for children to adjust to their new situations. The greater the conflict, the harder it is for the children.
- Children's needs come first.
- Children and all family members have a right to be safe.
- Life may be less complicated for parents and children when there are fewer transitions.
- Many children do better with a "home base" with one parent, and frequent contact with the other parent, although other arrangements can also work well.
- As children get older, they usually can handle longer periods away from either parent.
- Each child is unique. Consider temperament, personality, and needs when creating the parenting plan.
- All children have a right to love, care, and commitment from their parents.
- Detailed parenting plans may be more useful for some parents.
- Consistency and predictability are important for most children.

What's Best for My Child? Ages and Stages of Children

Their age	Their “jobs”	Their needs	Signs of distress: (especially if it goes on for a long time)
Birth - 12 months	<ul style="list-style-type: none"> • To develop trust • To attach to one or more healthy adult (parent, extended family, caregiver) 	<ul style="list-style-type: none"> • Predictability, consistency, and routine • Stable and secure relationships • A healthy attachment to at least one adult 	<ul style="list-style-type: none"> • Excessive crying • Feeding or sleeping problems • Withdrawal • Irritable and depressed
1 -3 years	<ul style="list-style-type: none"> • To explore the world • To develop language • To develop control (this is when they say a lot of no's) 	<ul style="list-style-type: none"> • Understanding that they can't remember people who they don't see very often • To know a loving adult is always available • Predictability, routine, and structure • Security, love, and flexibility 	<ul style="list-style-type: none"> • Withdrawal • Crying, clinging that lasts more than twenty minutes after a separation • Changes in eating and toileting • Delay in development
3 -5 years	<ul style="list-style-type: none"> • To engage with outside world • To develop relationships with other children • To be able to better understand limits set by their parents or caregivers 	<ul style="list-style-type: none"> • Increased ability to “hold” another person in their memory • Continued predictability, routine, and structure • Consistent discipline between parents when possible • Freedom from direct conflict • May benefit from blocks of time with each parent 	<ul style="list-style-type: none"> • Regression in toileting, sleeping, and eating • Irritability, clinging • Anger and behavior problems

Their age	Their “jobs”	Their needs	Signs of distress: (especially if it goes on for a long time)
5 -8 years	<ul style="list-style-type: none"> • To increase understanding of the difference between fantasy and reality • To deepen attachments with other people (parents, teachers, etc.) • To notice gender differences • To believe in fairness 	<ul style="list-style-type: none"> • To be reminded that the divorce/separation is not their fault • Structured and consistent time with each parent if appropriate • Parental support at school and sport activities • Support for exploring and expanding interests and relationships 	<ul style="list-style-type: none"> • Physical complaints (e.g., stomach aches, headaches, etc.) • Sleep problems • Expression of anger and behavior problems with parent most connected to • Bed wetting, baby talk
9-12 years	<ul style="list-style-type: none"> • To feel good about relationships and their physical development • To develop and test values and beliefs • To be connected to their school and community 	<ul style="list-style-type: none"> • Consistency and predictability in schedules and routines • Parent support in school and sports activities • Encouragement and permission to love both parents • Reminders that the divorce/separation is not their fault • More open communication with their parents 	<ul style="list-style-type: none"> • Loss of interest in friends and other relationships • Isolate themselves • Become “too good” • Depression and extreme rebellion
Adolescence	<ul style="list-style-type: none"> • To develop greater independence and separation from family • To develop a sense of moral values (these may change) • To express resistance and rebelliousness while forming their identity (much like two year olds) • To be naturally self-centered 	<ul style="list-style-type: none"> • Flexibility and understanding from parents regarding their time with friends and activities • Reminders that the divorce/separation is not their fault • Many teens want a say in the parenting plan • Positive role models • Reasonable, firm, and fair guidelines 	<ul style="list-style-type: none"> • Excessive anger and negativity • Excessive isolation, depression • Trying to be “too good” • Difficulty with school or peers • Alcohol and drug use, sexual promiscuity

References

Gardner, Howard, *Developmental Psychology*. Little, Brown & Co. (1982).

Garrity, Carla B. and Mitchell A. Baris, *Caught in the Middle*. Lexington Books (1994).

Hetherington, E. Mavis and Ross D. Parke, *Child Psychology: A Contemporary Viewpoint*. McGraw Hill (1979).

Lyster, Mimi E., *Child Custody: Building Parenting Agreements that Work (3rd Ed.)*. Nolo Press (Jan. 2000).

Stahl, Philip M., *Parenting After Divorce: A Guide to Resolving Conflicts and Meeting Your Children's Needs*. Impact Publishers (Oct. 2000).

State of Colorado, Office of the State Court Administrator, Parenting Plan: <http://www.courts.state.co.us/scao/scao/formsdom.htm>.

**What will my
parenting plan look like?**

**SAMPLE
PARENTING PLAN**





WHAT WILL MY PARENTING PLAN LOOK LIKE?

In this section, you will find the following materials:

- 1.) Instructions for the Parenting Plan
- 2.) Sample Parenting Plan
- 3.) Sample Parenting Schedules

In this section, you will find a Parenting Plan form. **Parenting plans, including the parenting schedule, should be unique to suit the individual needs of each family.** Your parenting schedule should be created to fit each parent's and the child's schedule and the child's personal development. To give you some ideas if you are stuck, at the end of this section is information about different types of schedules and arrangements that other parents have found useful.

BASIC PARENTING PLAN INSTRUCTIONS

Notice about these instructions:

These instructions are not a complete statement of the law and are not a substitute for the advice of an attorney. These instructions cover basic procedure for parenting plans in uncomplicated divorce or unmarried parent custody cases.

For more information, including resource and referral information, consult the *Basic Parenting Plan Guide for Parents* and the *Safety Focused Parenting Plan Guide*. Both of these guides have information about how to select a parenting plan that is best for you and your child(ren), and give examples of parenting plans that you may wish to use. The guides also include information about where to get basic legal information and how to find an attorney, and each guide contains a separate resource list of books, videos, websites and services for children and adults going through divorce or custody proceedings.

Begin:

1. Before you fill in any part of the Basic Parenting Plan, you should **make a copy of the blank form**. Save this copy for use when you are ready to fill out a final version of the Basic Parenting Plan to file with the Court.
2. At the top of the page, fill in the name of the county where you will be filing your Basic Parenting Plan.
3. On the top left side of the page, fill in the names of the Petitioner and the Respondent on the lines provided. If you have an existing court case, use the labels and names as they appear on the original documents filed with the court. If you do not have an existing court case, then the person who starts the court case is the Petitioner. Check the box marked 'Co-Petitioner' if the Petitioner and the Respondent have agreed upon the terms of the parenting plan and you are filing together.
4. On the top right side of the page, enter your case number, if you have one. If the Parenting Plan you are submitting is agreed upon by both parents, check the box that says 'Agreed upon by both parents.' Otherwise, check the box that says 'Proposed by _____' and fill in the name of the parent who is proposing the Parenting Plan.

Section:

1. **Information About the Child(ren):** In the first paragraph, write down the full legal name (do not use nickname), date of birth, and sex (male or female) of each child of this relationship.
- 2 - **2.2 Parenting Time Schedule:** Explain when your child(ren) will be in the care of each parent. Create a schedule for weekdays and for weekends. Also indicate whether this schedule will continue during the summer, or if you will have a different schedule for the child(ren) during the summer months.
- 2.3 - **2.6 Holiday Schedule:** Explain how the child(ren) will be spending time during holidays. Fill in the blanks by writing the appropriate parent's name to show where the child(ren) will be for the holidays. Remember to write in beginning and ending times for pick up and drop off of the child(ren). You may add other special occasions you celebrate below the printed list. Below the chart, provide details about how time will be shared during Winter Break, Spring Break, and the child(ren)'s birthdays.

Check one or both of the boxes below the table if you would like either of the options described to apply to your holiday parenting plan, or add your own.

IMPORTANT NOTICE: Your decisions about how much time the child(ren) will spend in the care of each parent may have important financial implications. This decision may affect how much child support a parent is responsible for, whether a parent can claim a tax dependency deduction, etc. You should consult an attorney or your caseworker regarding the consequences of your decisions about how much time the child(ren) will spend with each parent.

2.7 – 2.8 Temporary Changes to the Schedule: Read these sections carefully. In section 2.7 indicate whether you will require make-up parenting time or changes to the schedule to be in writing.

2.9 Alternate Care: You may choose to select a parent (or another person) as the alternate care provider in certain circumstances; for example, when the child(ren) would otherwise be in daycare, while a parent works, or when children would be with a child care provider for overnights. You may choose to set limits on who may provide alternate care for your child(ren).

2.10 Primary Residence (Optional): See the explanation of this term in the “*Words I Need to Know*” section of the *Basic Parenting Plan Guide for Parents*.

3. Decision Making: Choose an arrangement for making “Major Decisions,” including decisions about the child(ren)’s education, non-emergency health care, and religious training. If both parents will share in the responsibility for making “major decisions,” then check the box for **Joint Custody**. You can share responsibility in major decision making even though the child(ren) are not in the care of each parent an equal amount of the time. If you will not have a Joint Custody arrangement, decide which parent will have decision making authority, also called **Sole Custody**. Indicate whether the parent with Sole Custody will be required to talk to the other parent prior to making “major decisions.” You may also describe in more detail how major decisions will be handled or shared between the parents.

IMPORTANT NOTICE: Your decision to select Joint or Sole Custody may have important legal consequences. You are strongly encouraged to consult with an attorney regarding these consequences before making your final decision about Joint or Sole Custody.

4 & 5. Information Sharing and Future Moves By a Parent: Review the information provided here about sharing information between parents, school involvement, and relocation of a parent who is thinking about moving out of the area.

6. Parent/Child Communication: You may select the option for unrestricted communication between both parents and the child(ren), and/or you may write in your own communication arrangements.

7. Exchange of our Child(ren): Describe the details of the plan for exchanging the child(ren) for parenting times.

8. & 9. Mutual Respect and Other Terms: Read the Mutual Respect terms carefully. Describe any other provisions you would like to include in your Parenting Plan.

10. Dispute Resolution: Decide whether you will agree to resolve any disputes that may arise in the future through mediation or other means.

11. Signatures: If the plan is proposed by only one parent, that parent alone should sign. If the plan is agreed to by both parents, both parents should sign. If you filing the parenting plan with the Court, attach it to the appropriate legal document, such as the petition or judgment.

OTHER: (specify) _____

C. Check box if there is a different parenting time schedule for any child. Complete a separate Attachment for each child for whom there is a different parenting time schedule. Label it Attachment 2.1(C).

There is a different parenting time schedule for the following child(ren) in Attachment 2.1(C):
_____, _____, and _____
(name of child) (name of child) (name of child)

2.2 Summer Schedule. (Choose one)

The summer schedule will remain the same as during the school year.

The summer schedule will remain the same as during the school year, except for the following vacation times:

A. The child(ren) shall spend time with _____ on the following days and times:

(name of parent)

WEEKENDS: every every other other (specify) _____

from _____ to _____

WEEKDAYS: Specify days _____

from _____ to _____

OTHER: (specify) _____

B. The child(ren) shall spend time with _____:

(name of other parent)

(Choose one)

At all times not specified above, or

On the following days and times:

WEEKENDS: every every other other (specify) _____

from _____ to _____

WEEKDAYS: Specify days _____

from _____ to _____

OTHER: (specify) _____

2.3 Holiday Schedule.

The following holiday schedule will take priority over the regular weekday, weekend, and summer schedules described above. Fill in the blanks below with the parent's name to indicate where the child(ren) will be for the holidays. Provide beginning and ending times. If a holiday is not specified as even, odd, or every year with one parent, then the child(ren) will remain with the parent they are normally scheduled to be with.

Holidays	Even Years	Odd Years	Every Year	Beginning/Ending Times
Mother's Day	_____	_____	_____	_____
Father's Day	_____	_____	_____	_____
Thanksgiving	_____	_____	_____	_____
Christmas Eve	_____	_____	_____	_____
Christmas Day	_____	_____	_____	_____
Easter	_____	_____	_____	_____
Memorial Day Weekend	_____	_____	_____	_____
Fourth of July	_____	_____	_____	_____
Labor Day Weekend	_____	_____	_____	_____
Other:	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

This holiday schedule may affect your regular Parenting Time Schedule. You may wish to specify one or more of the following options:

- When parents are using an alternating weekend plan and the holiday schedule would result in one parent having the child(ren) for three weekends in a row, the alternating weekend pattern will restart so neither parent will go without having the child(ren) for more than two weekends in a row.
- If a parent has our child(ren) on a weekend with an unspecified holiday or non-school day attached, they shall have our child(ren) for the holiday or non-school day.
- Other: _____

2.4 Winter Break.

- Our child(ren) will spend half of Winter Break with each parent.
- Other: Details for sharing time with our child(ren) during Winter Break (including New Year's Day) are: _____

2.5 Spring Break. (The weekday days of school Spring Break).

- Our child(ren) will alternate spending spring break with each parent, spending it with _____ in even years and with _____ in odd years.
(parent name) (parent name)
- Our child(ren) will be in the care of each parent according to the schedule described in Section 2.1 above.
- Our child(ren) will spend part of spring break with each parent (provide details): _____

2.6 Child(ren)'s Birthdays.

- Our child(ren)'s birthdays will be planned so that both parents may participate in the birthday celebration.
- Our child(ren) will be in the care of each parent according to the schedule described in Section 2.1 to 2.6 above.
- Other: _____

2.7 Temporary Changes to the Schedule.

Any schedule for sharing time with our child(ren) may be changed as long as both parents agree to the changes ahead of time:

in writing; verbally (choose one)

Activities scheduled that will affect the other parent's time must be coordinated with the other parent.

Makeup and Missed Parenting time: Only substantial medical reasons will be considered sufficient for postponement of parenting time. If a child is ill and unable to spend time with a parent, a makeup parenting time will be scheduled. If a parent fails to have the child(ren) during their scheduled parenting time for any other reason, there will be no makeup of parenting time unless the parents agree otherwise:

in writing verbally (choose one)

2.8 Permanent Changes to the Schedule.

We understand that, once the judge signs the final judgment in our case and approves this Parenting Plan, any changes that we do not agree on can be made only by applying to the court for a modification. One parent cannot change a court-ordered Parenting Plan on their own.

Before applying to the court, we understand that we can agree to try to resolve our dispute through mediation or other means (See Section 10).

2.9 Alternate Care. (See Instructions)

We choose not to specify ground rules for alternate care.

Alternate care for our child(ren) will be handled as follows: _____

2.10 Primary Residence (Optional).

See definition of "primary residence" in the section "Words I Need to Know" (page 33) of the BASIC PARENTING PLAN GUIDE FOR PARENTS.

_____'s home shall be considered the "primary residence."
(name of one parent)

Neither parent's home shall be considered the "primary residence."

3. DECISION MAKING:

3.1 Day-to-Day Decisions.

Each parent will make day-to-day decisions regarding the care and control of our child(ren) during the time they are caring for our child(ren). This includes any emergency decisions affecting the health or safety of our child(ren).

3.2 Major Decisions (Joint or Sole Custody).

Major decisions include, but are not limited to, decisions about our child(ren)'s education, non-emergency healthcare and religious training.

Choose one:

Both parents will share in the responsibility for making major decisions about our child(ren). This arrangement is known by the courts as **Joint Custody**.

or

_____(Parent's name) shall have sole decision-making authority on major decisions about our child(ren). This arrangement is known by the courts as **Sole Custody**.

The sole custody parent named above shall (optional):

- Consult with the other parent prior to making major decisions
- Have the option* to consult with the other parent prior to making major decisions.

or

- Other (Describe how major decisions will be handled): _____

4. INFORMATION SHARING. Unless there is a court order stating otherwise:

Both parents have equal rights to inspect and receive the child(ren)'s school records, and both parents are encouraged to consult with school staff concerning the child(ren)'s welfare and education. Both parents are encouraged to participate in and attend the child(ren)'s school events.

Both parents have equal rights to inspect and receive governmental agency and law enforcement records concerning the child(ren).

Both parents have equal rights to consult with any person who may provide care or treatment for the child(ren) and to inspect and receive the child(ren)'s medical, dental and psychological records.

Each parent has a continuing responsibility to provide a residential, mailing, or contact address and contact telephone number to the other parent.

Each parent has a continuing responsibility to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child, including the child's medical needs.

5. FUTURE MOVES BY A PARENT. Unless there is a court order stating otherwise:

Neither parent may move to a residence more than 60 miles further distant from the other parent without giving the other parent _____ days' notice of the change of residence and providing a copy of such notice to the court.

6. PARENT-CHILD COMMUNICATION

- Both parents and child(ren) shall have the right to communicate by telephone, in writing or by e-mailing during reasonable hours without interference or monitoring by the other parent.

- Procedures for telephone, written, or e-mail access (describe ground rules for parent-child communication).

7. EXCHANGE OF OUR CHILD(REN)

Both parents shall have the child(ren) ready on time with sufficient clothing packed and ready at the agreed-upon time of exchange. All clothing that accompanied our child(ren) shall be returned to the other parent.

- While both parents continue to reside in the same locale, both parents shall share equally in the responsibility of exchanging our child(ren) from one parent to the other.

- Other: (provide details for the exchange of the child(ren)): _____

SAMPLE PARENTING SCHEDULES¹

The information and graphs below are samples of parenting time schedules based on child[ren]’s ages and different parenting styles. They are provided as a tool to give you ideas in order to help you create your own personalized schedule. Parenting time should be scheduled based on the needs of each individual family. You may fill out your own parenting schedule using the blank calendar below.

Level A Plans: These are best suited for parents with extremely busy work schedules, who have not been the child’s primary caregiver, or who want regular access without extensive caregiving responsibility.

Level B Plans: These are best suited for parents who have been involved in the day-to-day care of the child and who want greater access than is afforded in Level A plans.

Level C. Plans: These are best suited for parents who have been involved to a significant extent in the day-to-day care of the child and desire maximum access.

Note: *Overnights* presume the child is sufficiently attached and accustomed to being in the parent’s care for long periods, and takes into account the child’s breast-feeding needs. The term “*periods*” refers to the amount of time spent with the non-residential parent.



MY/OUR PARENTING TIME SCHEDULE



M	T	W	Th	F	Sat	Sun

¹ These graphs and information are adapted from materials contained in “*Parenting Time Plans for Parent/Child Access*”, 2001, Administrative Office of the Courts, Arizona.



BIRTH TO 12 MONTHS

Plan A (1st Option): Three periods of 3 to 6 hours spaced throughout each week. Frequent contact helps the child bond.

Plan A (2nd Option): Two 6 hour periods spaced throughout each week. Use when schedules or conflict make more frequent exchanges difficult. Bonding may be slowed.

Plan B: Two 3 hour periods and one 8 hour period spaced throughout each week.

Plan C: Two periods of 3 to 6 hours and one overnight each week.



12 TO 24 MONTHS

Plan A (1st Option): Three periods of 3 to 6 hours spaced throughout each week. Frequent contact helps the child bond.

Plan A (2nd Option): Two 6 hour periods spaced throughout each week. Use when schedules or conflict make more frequent exchanges difficult. Bonding may be slowed.

Plan B: Two 4 hour periods and one 8 hour period spaced throughout each week.

Plan C: One daytime period of 3 to 6 hours and two non-consecutive overnights each week.



24 TO 36 MONTHS

Plan A (1st Option): Two 3 to 4 hour periods and one 8 hour period spaced throughout each week.

Plan A (2nd Option): Two periods of 3 to 6 hours and one overnight each week.

Plan B: One period of 3 to 6 hours and two non-consecutive overnights each week. Ideally child should not be separated from either parent for > 4 days.

Plan C: One period of 3 to 6 hours and two consecutive overnights each week.



3 TO 5 YEARS OLD

Plan A1: Two consecutive overnights every other week and an additional overnight or afternoon or evening period each week. Options for 24 to 36 months are also appropriate.

M	T	W	Th	F	S	Su

Alternating weeks from Friday at 5:00 p.m. to Sunday at 6:00 p.m. Each week on Wednesday from 5:30 p.m. to Thursday at 8:00 a.m.

Plan A2: Three consecutive overnights in week one. Another overnight or afternoon or evening period of 3 to 4 hours may be added in week 2.

M	T	W	Th	F	S	Su

Alternating weeks from Thursday at 5:30 p.m. to Sunday at 6:00 p.m. Alternating weeks from Wednesday at 5:30 p.m. to Thursday at 8:00 a.m.

3 to 5 Years Old — Continued

Plan B: Four consecutive overnights in week one. Another overnight or afternoon or evening period of 3 to 4 hours may be added in week 2.

M	T	W	Th	F	S	Su
Alternating weeks from Thursday at 5:30 p.m. to Monday at 8:00 a.m. Alternating weeks from Thursday at 5:30 p.m. to Friday at 8:00 a.m.						

Plan C1: Parents split each week and the weekend. Provides a consistent routine and accommodates child’s ability to be apart from either parent for only three days. Also allows a “stay home” day with each parent each week.

M	T	W	Th	F	S	Su
Each week from Sunday at 8:00 a.m. to Wednesday at 12:00 p.m.						

3 to 5 Years Old — Continued

Plan C2: Each parent has the same two consecutive mid-week overnights each week and alternates the weekends. Provides each parent with alternating full weekends with and without the child. Helpful when parents conflicts make exchanges difficult.

M	T	W	Th	F	S	Su

Each week on Monday after daycare or 8:00 p.m. if no daycare to Wednesday at 8:00 a.m. Alternating weekends from Friday to Monday.



**6 - 9 YEARS OLD and
10 TO 13 YEARS OLD**

Plan A1: Two consecutive overnights every other week; an additional 3 to 6 hour period or overnight may be added each week. Plan is suitable for 6-13 years old children.

M	T	W	Th	F	S	Su

Alternating weeks from Friday at 5:30 p.m. to Sunday at 6:00 p.m. Each Wednesday from 5:30 p.m. to 8:30 p.m.

6 - 9 YEARS OLD and 10 TO 13 YEARS OLD — Continued

Plan A2: Three consecutive overnights every other week and an additional 4 to 6 hour period each week. Plan is suitable for 6-13 years old children.

M	T	W	Th	F	S	Su

Alternating weeks from Monday at 5:30 p.m. to Wednesday at 8:00 a.m. Every Saturday from 2:00 p.m. to 8:00 p.m.

Plan B: Four consecutive overnights in week one with an additional overnight in week two. Plan is suitable for 6-13 years old children.

M	T	W	Th	F	S	Sn

Alternating weeks from Wednesday at 5:30 p.m. to Sunday at 8:00 a.m. Alternating weeks on Tuesday from 5:30 p.m. to Tuesday at 8:00 p.m. or Wednesday at 8:00 a.m.

6 - 9 YEARS OLD and 10 TO 13 YEARS OLD — Continued

Plan C1: Split each week and weekend. Allows each parent to participate more in child’s academic life. Provides a consistent routine. Accommodates child’s ability to be apart from either parent for only three days. Plan is suitable for 6-13 years old children.

M	T	W	Th	F	S	Su

Each week from Sunday at 8:00 a.m. to Wednesday at 12:00 p.m.

Plan C2: Each parent has the same two consecutive mid-week overnights each week and alternates the weekends. Provides each parent with alternating full weekends with and without child. Helps when conflict makes exchanges difficult. Plan is suitable for 6-13 years old children.

M	T	W	Th	F	S	Su

Each Monday after school to Wednesday at 8:00 a.m. Alternate weekends.

6 - 9 YEARS OLD and 10 TO 13 YEARS OLD — Continued

Plan C3: Parents share time with child during alternating seven day periods. A mid-week overnight period is optional for non-access parent. Requires effective parental communication and cooperation re: child’s chosen activities or lessons. Plan is suitable for 6-13 years old children.

M	T	W	Th	F	S	Su

Parents share time with the child on an alternating week basis. One parent drops off the child at school at 8:00 a.m. Friday, while other picks up the child after school.



14 TO 18 YEARS OLD

Plan A: Two consecutive overnights every other week, preferably on the weekend. Optional additional afternoon or evening period each week. One “home base.”

M	T	W	Th	F	S	Su

Alternating weeks from Friday at 5:30 p.m. to Sunday at 6:00 p.m. Each Wednesday from 5:30 p.m. to 9:00 p.m.

14 TO 18 YEARS OLD — Continued

Plan B: Parents share time with child during alternating 7 day periods; mid-week overnight period is optional for non-access parent; requires effective communication and cooperation re: child’s chosen activities or lessons.

M	T	W	Th	F	S	Su

Parents share time with the child on alternating basis.
Optional Wednesday overnight with non-access parent.

Plan C: Parents share time with the child on an alternating basis. However, both parents have access to the child on both weekends and weekdays each week.

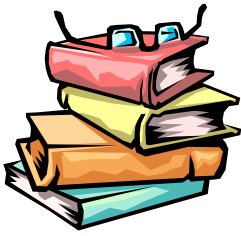
M	T	W	Th	F	S	Su

Alternating weeks from Wednesday overnight to Saturday afternoons. Alternating weeks from Tuesday overnights to Saturday afternoons. Both parents share time with the child on weekends and weekdays each week.

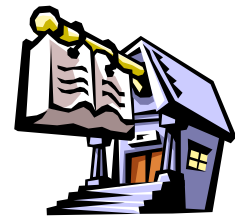
Where can I learn more?

RESOURCE LIST





WHERE CAN I LEARN MORE? - RESOURCE LIST (Rev 6/03)¹



NOTE: A description of the content of these materials has been provided in some instances. If you have read one of the following resources and would like to provide a brief, one-sentence description, or if you have additional resources you think should be added to this list, please let us know:

Court Programs and Services Division
Office of the State Court Administrator
(503) 986-6423
E-mail: sflac@ojd.state.or.us



BOOKS - FOR PRESCHOOLERS

Bernard, by Bernard Waber. *Bernard the dog runs away while his owners argue about who will keep him when they break up.*

Dinosaur's Divorce, by Lawrence Brown. *Through a dinosaur family, the writer of the Arthur children's books explains divorce in a simple and straightforward way.*

My Family Is Changing: A First Look at Family Breakup, by Pat Thomas

Sometimes A Family Has To Split Up, by J. Watson

Tots Are Non-Divorceable: A Workbook for Divorced Parents and Their Children, Ages Birth to Five Years, by Sara Bonkowski

¹This is not a list of endorsed materials but merely suggestions for books, publications, web sites and organizations that may be helpful as resources. Various individuals contributed to the resource list. The specific content of the materials and web sites does not necessarily reflect the opinions of the Oregon Judicial Department or of the State Family Law Advisory Committee.



BOOKS - FOR ELEMENTARY AGED CHILDREN

Break Up: Facing Up to Divorce, by Gianni Padoan

Divorce Happens To The Nicest Kids, by M.D. Prokop

Divorce Is A Grown Up Problem, by Janet Stinberg

Families are Forever! Kids Workbook for Sharing Feelings About Divorce, by Melissa Smith. *An interactive workbook that encourages children to express their feelings (ages 4-8).*

How Does It Feel When Your Parents Get Divorced, by Terry Berger

I Don't Want to talk About It, by Jeanie Franz Ransom. *When a child's parents sit her down to tell her they are going to get divorced, she fantasizes about the different animals she will turn into to deal with it.*

I Have Two Families, by D. Herering

It's not Your Fault, Koko Bear, by Vicky Lansky. *A "read-together book" for parent and child.*

Mom and Dad Don't Live Together Any More, by K. Stinson

Mr. Rogers Talks With Families About Divorce, by Fred Rogers and Clair O'Brien

Why Don't We Live Together Anymore?: Understanding Divorce, by Carol Ackelmire. *From the "Comforting Little Hearts" Series. For ages 4-8*



BOOKS - FOR PRETEENS AND ADOLESCENTS

The Boys And Girls Book About Divorce, by R. Gardner. *Normalizing information and advice from a child psychiatrist for children going through divorce.*

Dear Mr. Henshaw, by Beverly Cleary. *A sixth grader deals with going to a new school, his parent's divorce and his desire to be a writer.*

Divorce Can Happen To The Nicest People, by Peter Mayle

The Divorce Express, by Paula Danziger. *Phoebe's life changes when her parents divorce and she spends time with her father far away from her home and boyfriend.*

Don't Fall Apart on Saturdays!: The children's Divorce Survival Book, by Adolph Moser

Help! A Girl's Guide to Divorce and Stepfamilies, by Nancy Holyoke

How Tia Lola Came to Stay, by Julia Alvarez. *Multicultural book that takes the reader along a boy's new life after his parents' divorce.*

How To Get It Together When Your Parents Divorce, by Arlene Richards and Irene Willis

It's Not The End Of The World, by Judy Blume. *Karen plans to get her father and mother back together so they can realize that divorce was a mistake.*

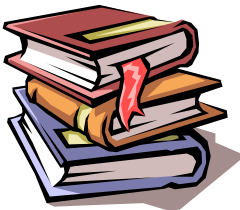
The Kid's Guide To Divorce, by Brogan, Marden & Fawcett

My Parents Are Divorced, Too, by Bonnie Robson

My Parents Still Love Me Even Though They Are Getting Divorced, by Dr. Lois Nightingale

Pickles and Peanuts, by Martha Ivery. *Peanuts turns to her new friend Pickles to deal her feelings of abandonment, loss and being different from everyone else.*

When Divorce Hits Home, by Thea Joselow and Beth Joselow. *Written by a daughter and mother about one teenager's experience with divorce and how she dealt with it.*



BOOKS - FOR ADULTS- GENERAL

Between Love and Hate: A Guide to a Civilized Divorce, by Lois Gold. *Offers guidance to those going through divorce on improving communication, effective negotiation, and conflict resolution. Covers legal, financial and emotional issues.*

Caught in the Middle, by C. Garrity and M. Barris

Crazy Time, by Abigail Trafford. *A personal and academic account of the emotional and practical struggles of men and women going through divorce.*

The Divorce Advisor, by Marcia Kline Pruitt.

Divorce And New Beginnings, by G. Clapp

Getting Divorced Without Ruining Your Life, by S. Marguilies

Going It Alone, by Robert Weiss

The Good Divorce, by Constance Ahrons. *Shows couples how they can move beyond breakup and learn to deal with the transition from a nuclear family to a "binuclear" family.*

How to Survive the Loss of a Love, by Melba Colgrove, Harold Bloomfield and Peter A. McWilliams.

Living Through Your Divorce, by Earl Grollman and Marjorie Sams

Untying The Knot, by Janine M. Bernard and Harold Hackney

Your Divorce Advisor: A Lawyer and a Psychologist Guide You Through the Legal and Emotional Landscape of Divorce, by Diana Mercer (Fireside 2001)



BOOKS FOR ADULTS - PARENTING PLANS and WORKBOOKS

But...What About Me! (How it Feels to be a Kid in Divorce), by Bonnie Doss

Child Custody: Building Parenting Agreements that Work (3rd Ed.), by Mimi E. Lyster [Nolo Press, Jan 2000].

The Children's Book, by Marilyn S. McKnight Erickson and Stephen K. Erickson. *A communication workbook for parents to use and pass back and forth as the children spend time in different homes. Includes places to record the schedule, activities, names, addresses and birthdays of friends and families, etc.*

Creating a Successful Parenting Plan, by Dr. A. Jayne Major

Co-Parenting: Sharing Your Child Equally, by Miriam Galper

The Custody Revolution: The Father Factor and the Motherhood Mystique, by R. Warshak

Divorce Book For Parents, by Vicki Lansky

The Divorce Decisions Workbook, by Margorie Louise Engel and Diana Delhi Gould. *A planning and action guide. Contains extensive forms for information-gathering and decision-making.*

The Divorced Parent, by Stephanie Marston

Families Apart, by M. Blau

Growing Up Again: Parenting Ourselves, Parenting Our Children, by Jean Clark

Helping Children Cope with Divorce the Sandcastles Way, by Gary Newman

Helping Your Child Succeed After Divorce, by Florence Bienenfeld

How to Help Your Children Overcome Your Divorce, by E. Benedek and C. Brown

Impasses Of Divorce, by J. Johnson and L. Campbell

Joint Custody with a Jerk, by Julie A. Ross and Judy Corcoran. *Excellent suggestions for examining each parent's role in ongoing parental disputes. Communication skills for dealing with a difficult ex-spouse. "Not just for people who have joint custody and not just for jerks."*

Kids Are Worth It, by Barbara Coloroso

Mom's House, Dad's House: A Complete Guide for Parents Who Are Separated, Divorced or Remarried, by Isolina Ricci. *A practical guide to setting up two-home parenting arrangement. Useful for parents whether or not joint custody is chosen. Includes guiding principles for co-parenting and maps out emotional stages and milestones from the time of separation through remarriage.*

Parenting Through Divorce, by Karen J. Todd, M.C. and Nancy Barros, M.A.

The Parent's Book About Divorce, by Richard Gardner

The Parent's Handbook: Systematic Training for Effective Parenting (STEP), by Dinkmeyer and McKay; *STEP for Parenting of Teens*

Parent vs. Parent: How You and Your Child Can Survive the Custody Battle, by Stephen P. Herman

Positive Discipline, by Jane Nelson

Raising Self-Reliant Children in a Self-Indulgent World, by Stephen Glenn and Jane Nelson

Second Chances, by Judith S. Wallerstein and Sandra Blacklee

Sharing The Children: How To Resolve Custody Problems And Get On With Your Life, by Robert Adler

Shared Parenthood After Divorce, by Ciji Ware

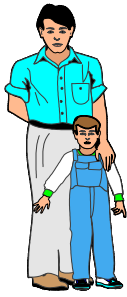
Surviving the Break Up: How Children And Parents Cope With Divorce, by Judith S. Wallerstein and Joan B. Kelley

Touchpoints: Your Child's Emotional and Behavioral Development, by T. Berry Brazelton

Without Spanking or Spoiling, by Elizabeth Crary

Vicky Lansky's Divorce Book for Parents, by V. Lansky

Your ___ Year Old (one book for each age), by Louise Bates Ames



BOOKS - FOR ADULTS - NONCUSTODIAL PARENTS



A Divorced Dad's Survival Book: How to Stay Connected to Your Kids, by David Knox

Every Other Weekend, by Kenneth F. Parker and Van Jones. *Written by divorced fathers to help other divorced fathers confront pain and loss, understand their children's feelings and accept their changed role in their children's lives.*

101 Ways to be a Long Distance Super-Dad...Or Mom, Too!, by George Newman. *Simple and practical tips for keeping close with a child after divorce.*

Long Distance Parenting: A Guide For Divorced Parents, by Miriam Galper Cohen



BOOKS ABOUT MEDIATION

Divorce Mediation, by Jay Folberg and Ann Milne, Editors

Divorce Mediation, How To Cut The Costs And Stress Of Divorce, by Diane Neumann

Getting Together, by Roger Fisher and Scott Brown

Getting To Yes, by Roger Fisher and William Ury. *A general book about negotiation techniques, the introduction of the win-win solution concept.*

A Guide To Divorce Mediation, by Gary J. Friedman, J.D.

Mediation, by Jay Folberg and Allison Taylor

Renegotiating Family Relationships, Divorce, Child Custody, And Mediation, by Robert E. Emery



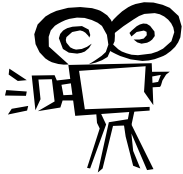
PUBLICATIONS TO ORDER

Dealing with Loss: A Guidebook for Helping Your Children During and After Divorce, by Herman M. Frankel, M.D.; (503) 227-1860, www.divorcework.com (\$5.00 per copy).

Family Law in Oregon, Oregon Legal Services (503) 224-4094. *This booklet answers common questions on the subjects of Marriage and Divorce, Paternity, Custody and Parenting Time, Child Support, State Services for Children and Families and Adoption. A Spanish version is also available. (\$.15 per copy). You can also download the English and Spanish versions of this publication from the Oregon Judicial Department's Family Law Website: www.ojd.state.or.us/familylaw.*

My Parents Are Getting Divorced - A Handbook for Kids, ABA Section of Family Law Family Advocate, Vol. 18, No. 4. (312) 988-5522. (\$9.00 each to \$3.00 each, depending on quantity)

Oregon State University Extension Service, (503) 737-2513. *Publications on Divorce and Remarriage, including: "Property Division and Spousal Support", "Child Support Decisions" and "Money Management for Stepfamilies". (free to \$1.50 per copy)*



VIDEOS

Children: The Experts on Divorce, Family Connections Publishing Co. (801) 268-2800.

Listen to the Children, Victor/Harder Productions (313) 661-6730

Both videos effectively make use of children speaking about their divorce experiences interspersed with expert guidance.



INTERNET WEBSITES

Association for Conflict Resolution, www.acresolution.org. This national organization has a great deal of information about mediation and about publications about divorce. Their book room has a direct link to Amazon.com.

Divorce Info, www.divorceinfo.com/welcome.html, by Lee Bordon. Created by a Florida divorce attorney and mediator, this site offers knowledgeable and evenhanded articles of interest, including "How Can I Get the Kids Through This?", "What are the Mistakes People Make Most Often in Divorce?", and "What do I do now that I've Screwed Up?".

Divorce Source, www.divorcesource.com. This site has book lists, helpful articles, and referrals to various professionals indexed by city and state.

Divorce Central, www.divorcecentral.com. A good assortment of resources and links, including other state laws and organizations, and frequently asked questions.

Divorce Online, www.divorceonline.com. Extensive articles on the financial, legal and psychological aspects of divorce.

Divorce Support, www.divorcesupport.com. Resources and services including forms and guidebooks for Oregon, finding a divorce professional, information on child support, and a bookstore.

Just For Kids, www.just-for-kids.com. Find thousands of books for and about kids, some at discount prices, including new books, multi-cultural books, and holiday books. Search by categories or children's age, with recommendations and reviews.

Oregon Community Resource Directory, www.workforcepartnersinoregon.org. A comprehensive directory of community resources in Oregon, organized by county, including agencies, non-profit organizations, and service providers. Each resource has a listing with hours, location, and summary of services. Locate resources in your area for domestic violence, mediation, counseling, and more.

Oregon Mediation Association, www.omediate.org.

Parenting Time Calendar, the calendar software allows parents to put in their parenting time schedule and print out custom calendars. It also calculates the number of parenting time overnights each parent has and calculates parenting time percentages. The Parenting Time Calendar is sold on the following website: www.parentingtimecalendar.com.

The Whole Family, www.wholefamily.com. Has a link to both a "Parent Center" and "Marriage Center" with articles on parenting, communication, divorce, child development, and more.

OREGON LEGAL INFORMATION

Oregon Division of Child Support

On-line Child Support Calculator, www.dcs.state.or.us/calculator

Family Law Resource Lists, www.dcs.state.or.us/familylaw. *Provides a county-by-county list of various family law and related services available in Oregon.*

Oregon Judicial Department, Family Law Website, www.ojd.state.or.us/familylaw.

Information about state and local family law advisory committees, court-connected services, parent education, family law resources, and access to the statewide optional domestic relations forms.

Oregon State Bar, www.osbar.org (choose Public at the bottom of the page). *Legal information for the public is available at their "Legal Links" location. Also information about the Lawyer Referral Service and Modest Means Program.*

Oregon Law Help, www.oregonlawhelp.com. *Provides a list of Oregon's legal services offices in the state, as well as free legal information for low-income Oregonians.*



DIRECTORIES OF MEDIATION PROVIDERS

Annual Resource Directory, Oregon Mediation Association (503) 872-9775. *Listings are alphabetical, geographic and by area of practice. Contains OMA Standards of Practice, consumer's guide to selecting mediators, and listings of non-profit services. You may also visit OMA's website at: www.omediate.org.*

Oregon Lawyers' ADR Resource Directory, OSB ADR Section and Multnomah Bar Association ADR Committee (503) 222-3275. *Separate sections for Arbitrators and Mediators. Listings are alphabetical and geographic. Contains discussions on use of ADR, attorney's role, ethics, court-connected and non-profit lists.*

WORDS I NEED TO KNOW





WORDS I NEED TO KNOW¹

Access, Right of Access. Child's right to contact with both parents. See also *Frequent and Continuing Contact*.

"Best Interest of the child." If a judge decides a custody/parenting plan case, the judge tries to decide what would be best for the child based on all the testimony and other evidence in the case.

Case, Case Law. Previous cases decided by courts of appeal are published and used by judges to make decisions in current, similar cases

Child Support. Money paid by one parent to the other, or to the Division of Child Support, to help meet the needs of the child for housing, food, clothing, transportation, etc.

Child Support Guidelines. The formula created by the legislature to determine how much money each parent should contribute to the support of his or her children.

Code. See *Statute*.

Confidential. When a conversation, information, or other communication is confidential, none of the participants can testify in court about what was said. Confidentiality is different with different professionals. You may want to ask the professional person (attorney, mediator, therapist, counselor) what the rules are.

Co-Parents. Parents who share responsibility for raising a child even though the parents no longer live together.

Court Order. Any order made by a judge; the order may be written by the judge or submitted by a party or attorney and signed by the judge. The parties may agree to a plan and, when the judge signs it, it becomes a court order or Judgment. See also *Stipulation*.

Custody. In Oregon, "custody" means the right to make major decisions for the welfare of a child. Major decisions include routine medical care, religion, education and residence. Custody may be either joint with both parents or sole with one parent.

¹This is not a list of legal definitions but have been prepared for use by persons who are not lawyers.

“Sole custody” does not give one parent the right to move away with the child without notice to the other parent unless the order specifically gives that right. Having custody does not necessarily mean having the child live with you (see also *Parenting Time*).

Division of Child Support. The state agency that handles child support where one of the parents is receiving public assistance or the Oregon Health Plan or cases in which the child is receiving state-paid foster care or is in the custody of the Oregon Youth Authority. The county District Attorney’s office handles child support where no public assistance is involved.

Dissolution of Marriage. Divorce.

Divorce. The legal process of dissolving a marriage; where parents have not been married, they can file a petition for custody (or filiation petition) to obtain orders for custody and a parenting plan.

Domestic Violence. A learned pattern of physical, verbal, sexual, and/or emotional behavior in which one person in a relationship uses force, fear and intimidation to dominate or control the other person, often with the threat or use of violence. Domestic violence is a crime.

Ex Parte. An order or proceeding (like a hearing) that is heard by a judge for the benefit of one party without notice to the other party.

Facilitator, Family Law Facilitator. A court employee who helps parents without attorneys by providing assistance with common family law forms and giving information about court procedures and other sources of help in their communities.

Family Abuse Prevention Act (F.A.P.A.). The law that authorizes courts to issue protective orders (a special type of restraining order) where there has been violence or other forms of abuse within a family. F.A.P.A. orders may include orders for custody and a parenting plan.

Family Law. The law that relates to family relationships. It includes laws about divorce, custody, parenting plans, property division, child support, spousal support (“alimony”) and other topics. The law is made up of both statutes and cases.

“Father’s Rights.” Judges are required to base decisions on the best interests of the child; they may not discriminate between parents on the basis of gender.

Filiation Petition. Legal papers asking the court or a child support agency to declare who is the father of the child. A parent can also ask the court to make an order regarding custody, parenting plans, and support once paternity is established.

Filing. Turning your legal papers into the clerk of the court.

Frequent and Continuing Contact. Parenting plans should provide a child regular contact with both parents so the child has a genuine, on-going relationship with each parent, unless it puts the child in serious danger.

“Grandparent’s Rights.” Grandparents and others who have an established relationship with a child may ask a court to make orders guaranteeing them time with the child.

Guardianship. If neither parent is able to care for a child at a given time, a court may appoint a guardian. The guardian has the right to make all decisions for the welfare of the child until the guardianship is ended by the court, usually when it is no longer needed.

Hearing. A motion or other legal action that is handled in the courtroom. Parties and attorneys may call witnesses and introduce evidence. A judge will make a decision based on all the evidence and the decision will become a court order.

Holiday. Each family has certain holidays and special occasions that it celebrates. A parenting plan would specify who the child will spend holidays with and define each holiday so both parents know when it begins and when it ends.

Indian Child Welfare Act (I.C.W.A.) A federal statute providing Native American families and tribes special notice regarding possible adoptions or other custody orders about Native American children.

Joint Child. A term used in child support determinations meaning the dependent child who is the son or daughter of both the mother and the father involved in the child support case. In those cases where only one parent seeks child support, a joint child is the child for whom support is sought.

Joint Custody. Parents share the responsibility to make major decisions for their child (see also *Custody*). Joint custody does not mean that the child spends equal time with each parent. Both parents have to agree for joint custody to be ordered. See also *Parenting Time*.

Judgment. See *Court Order*.

Law. See *Statute*.

“Limited Legal Services.” An arrangement with an attorney to receive help on some parts of a case for a set fee or limited fees.

Mediation. A meeting with a trained, neutral third party *who helps the parties* try to solve problems cooperatively. Most courts provide mediation of custody and parenting plan problems up to a certain number of hours. Mediation may occur face to face or separately, if necessary. Mediation is confidential. The mediator does not tell the parents what they should do or make a recommendation to the court.

Modification. A change to the Parenting Plan. If changes are agreed upon, they can be enforced by the court only if they are written down, dated, signed by both parents before a notary public, and submitted to the court leaving a space for the judge's signature. If changes are not agreed upon, they can be requested through a modification motion.

"Mother's Rights." Judges are required to base decisions on the best interests of the child; they may not discriminate between parents on the basis of gender.

Motion. A formal request filed with the court. A judge makes a decision to allow or deny the request, usually after a hearing or trial.

No-Fault Divorce. Under Oregon law, it is not necessary to prove that either husband or wife did anything wrong.

Non-Joint Child. A term used in child support determinations meaning the legal child of one, but not both of the parents.

Order. See *Court Order*.

Parenting Plan. A document that states when the child will be with each parent and how decisions will be made. The parenting plan may be developed by the parents, through mediation, with the help of attorneys or by a judge after a trial or hearing. See also *Custody*.

Parenting Time. The actual time a child is scheduled to spend with a parent. During parenting time that parent has primary responsibility for making routine decisions for the child but not major decisions. See also *Custody*.

Paternity Petition. See *Filiation Petition*.

Petition for Custody. If parents have never been married, instead of filing a dissolution of marriage (divorce) they file a petition for custody (or filiation petition) in order to get court orders for custody and a parenting plan.

Physical Custody. See *Custody* and *Parenting Time*.

Pro Se. Filing legal papers by yourself, without a lawyer. It can also mean appearing in court in front of a judge by yourself, without a lawyer.

Primary Residence. Oregon law allows parents who agree on Joint Custody to designate one home as primary residence. There is no definition in the law for this term. The term is also used to determine public benefits. If you receive TANF or public assistance, there are rules about this designation which may affect your eligibility to receive benefits. You should consult with your caseworker or an attorney regarding the consequences of indicating in your parenting plan which parent's home the children primarily reside at.

Psychological Parent. Sometimes a person who is not a biological parent (like a step-parent or live-in partner) takes on major responsibilities for a child and is seen by the child as a “parent.” In certain cases, a judge may provide for the child to continue to have scheduled time with this psychological parent.

Public Benefits. Also called “public assistance.” Money or medical assistance received by a parent based on their own need, or based on the needs of the child[ren] who live with them. Benefits are paid by the Adult and Family Services Division, Department of Human Services. Types of public assistance include Temporary Assistance to Needy Families (TANF) and Oregon Supplemental Security Income.

Restraining Order. See *F.A.P.A.*

Rules, Rules of Court. Many court procedures are controlled by statewide rules (The Uniform Trial Court Rules or UTCR) or by local court rules. The state and local rules can be found in the county law library or at the following web site: www.ojd.state.or.us.

Safety Focused Parenting Plan. A parenting plan specially created for families where there is mental illness, drug addiction, domestic violence, child abuse, or other circumstances that impact safety of the child or a parent. A Safety Focused Parenting Plan Guide can be found at <http://ojd.state.or.us/familylaw>. Click on the “Parenting Plan Information” link. If you determine that your situation requires a safety-focused parenting plan, you should consult with an attorney.

Section. See *Statute*.

Self-Represented. An individual who files a court case without using the services of an attorney. See also *Pro Se*.

Sole Custody. One parent has the right and responsibility to make major decisions for the welfare of the child. See also *Custody*.

Status Quo. A child’s usual place of residence, current schedule, and daily routine for at least the last three months.

Status Quo Order. A court may enter an order that keeps the “status quo.” See above.

Statute. Laws passed by the state legislature (or adopted by initiative). Most code sections relating to family law are in volumes 25, 107 and 109 of the Oregon Revised Statutes (O.R.S.) and are available at the county law library or on the internet at www.leg.state.or.us/ors.

Stipulation. A formal agreement of the parties. When it is written up and signed by both parties and the judge, it becomes a court order.

Supervised Parenting Time. Parenting time during which the parent and child must be in the presence of another specified adult. Supervised visitation may be ordered where there has been domestic violence, child abuse or a threat to take the child out of the state.

Transition. The moving of a child from one place where they are taken care of (home, school, day care, etc.) to another.

Trial. See *Hearing*.

UCCJEA. See *Uniform Child Custody Jurisdiction and Enforcement Act*.

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). A statute adopted by many states to help judges decide what state should make custody and parenting time decisions and to make it easier to enforce custody and parenting plans across state lines. Oregon has adopted this statute.

Visitation. Term no longer preferred. See *Parenting Plan*, *Parenting Time*.

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	<u>Helpful</u>	<u>Not Helpful</u>
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Where do I start?	<input type="checkbox"/>	<input type="checkbox"/>
What's best for my child?	<input type="checkbox"/>	<input type="checkbox"/>
What will my parenting plan look like?	<input type="checkbox"/>	<input type="checkbox"/>
Sample Parenting Plan	<input type="checkbox"/>	<input type="checkbox"/>
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Was the language used in the Guide clear enough for you to understand it? _____

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Where did you learn about or obtain this packet? (You may check more than one)

- On the web
- At the courthouse
- At a parent education class
- From a mediator
- From a lawyer
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You may submit your comments to: Court Programs and Services Division,
Office of the State Court Administrator, 1163 State Street, Salem, OR, 97301-2563, or fax to (503) 986-6419