

## 1. INTRODUCTION:

The Twelfth Judicial District Local Rule recognizes that both parents are an important part of their child's growth and development. Therefore, the terms "custodial parent" and "non-custodial parent", in reference to these Local Rules, are to be read with the idea and belief that each parent should be afforded the opportunity to play an active role in the child's life.

The purpose of these guidelines is to provide a schedule for parents who have not established another schedule. Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. The Twelfth Judicial District may be able to provide mediation services to assist you in resolving conflicts regarding custody and parenting time upon the request of a party.

## 2. DEFINITIONS:

“**Child**” includes all minor children referred to in the Judgment or Order.

“**Custodial**” refers to the party awarded sole custody, or if joint custody is awarded, it refers to the person designated as providing the primary physical residence in the Judgment or Order.

“**Non-custodial**” refers to the party who is not the custodial parent as defined above.

“**Joint Custody**” true joint custody means that the parents have shared authority to make all major decisions concerning the child. Parents who agree on joint custody could, for example, decide that the child will live with one parent for more time than with the other parent. However, if they did so, both parents would still have to agree on significant decisions affecting the child.

**IF PARENTS CANNOT AGREE ON JOINT CUSTODY AND HOW JOINT CUSTODY ARRANGEMENTS WILL WORK, THE COURT WILL NOT ORDER JOINT CUSTODY.**

## 3. THINGS TO REMEMBER IN INTERPRETING THIS RULE:

**3.1. Personal Plans.** Personal plans of the custodial parent or child, (for example, school or church activities) will not be reasons for failing to follow the parenting time schedule set forth in the court's order.

**3.2. Addresses and telephone numbers.** Unless otherwise ordered by the court, both parties will provide home addresses and home telephone numbers to the other party. In the event the non-custodial parent is taking the child overnight out of the town of the non-custodial parent's residence, the non-custodial parent shall notify the custodial parent of the location and telephone number, if any, of where the child will be sleeping.

- 3.3. Non-assigned time.** Unless otherwise agreed, in writing, the CUSTODIAL PARENT is responsible for the CHILD during all times not awarded to NON-CUSTODIAL PARENT.
- 3.4. Delivery and Pick-up.** All parenting time shall be exercised in a prompt manner. Unless otherwise agreed, or court ordered, pick up and delivery shall occur no more than 15 minutes before or 15 minutes after the time specified for parenting time to begin and end.
- 3.4.1.** The non-custodial parent shall pick up the child at the beginning of the visit and the custodial parent shall pick up the child at the end of the visit.
- 3.5. No shows for scheduled Parenting Time and Make-ups.** Only medical reasons will be considered sufficient for postponement of parenting time. If a child is ill and unable to visit, a makeup parenting time shall occur on the following weekend. However, if the NON-CUSTODIAL PARENT fails to exercise HIS/HER parenting time, there will be no makeup parenting time.

When there is a history where the NON-CUSTODIAL PARENT does not show up for a scheduled weekend parenting time (for example: one "no show" per month for three months), the custodial parent may take the following action: To write the NON-CUSTODIAL PARENT indicating that unless the NON-CUSTODIAL PARENT gives at least three days advance notice that he/she will exercise the scheduled weekend parenting time, the custodial parent will cancel the next following regularly-scheduled parenting time.

Canceling the next regularly-scheduled parenting time should not be done lightly and should not be done by the CUSTODIAL PARENT where, for example, there is no regular history of missed parenting time, or where the missed parenting time was due to an emergency situation such as health or emergency weather conditions.

- 3.6. Mutual Respect toward the Other Parent.** Both parties shall not make bad or unflattering comments about the other party or in any way attempt to diminish the love, respect and affection that the child has for the other party.
- 3.7. Access to records and events.** In addition to the parenting time specified above, unless otherwise specifically ordered by the court, the non-custodial parent shall have the right to visit with the child at school, attend the child's school activities (such as an open house or sports activities), and have full access to school teachers and administrators for complete information about the child in school. ORS 107.154 also affirms additional rights in the non-custodial parent unless otherwise ordered by the Court. Each parent shall be responsible for keeping themselves advised of the child's activities and events.

- 3.8. Conflicting dates.** The holiday schedule takes precedence over the summer parenting time and alternating weekend schedule. Due to the holiday parenting time schedule set out in this Rule, there may be occasions when one or both of the parents will have the child in his or her home for three weekends in a row. This could happen because any holiday defined in this Rule shall replace the normal schedule for a given weekend or time period. In other words, some weekends in a year will be lost due to conflicting vacations and holidays.
- 3.9. Daily Care.** The parent with whom the child is staying will be responsible for daily care and will make necessary decisions regarding emergency medical or dental care. The non-custodial parent's rights to make daily care decisions does not include leaving a child unattended in violation of Oregon law, haircuts, permanents, or any substantial changes in the child's appearance (i.e., tattoos, ear piercing, etc.) unless authorized by the custodial parent.
- 3.10. Daycare.** The non-custodial parent shall be responsible for arranging and paying for daycare for the child during his or her parenting time periods.
- 3.11. Emergencies.** Each party will immediately notify the other party of any emergency circumstances or substantial changes in the health or safety of the child.

#### **4. PARENTING TIME PROVISIONS:**

##### **4.1. WEEKEND PARENTING TIME SCHEDULE:**

- 4.1.1.** The non-custodial parent shall have the child every other weekend, beginning on Friday night at 7:00 p.m. and ending on Sunday night at 7:00 p.m.
- 4.1.1.1.** By written agreement, the non-custodial parent's visits may end at 7:00 p.m. on Sunday or such other time as the parties may agree.
- 4.1.1.2.** If the non-custodial parent has the child on his/her alternate weekend, and if the following Monday is a recognized holiday or non-school day which is not listed below, then the non-custodial parent's parenting time shall commence at 7:00 p.m. on Friday and end at 7:00 p.m. on Monday (the recognized holiday or non-school day).<sup>1</sup>

4.1.2. The alternate weekend parenting time schedule shall rotate each year as follows:

4.1.2.1. In all **EVEN-NUMBERED YEARS**, the non-custodial parent's first weekend visit shall begin at 7:00 p.m. on the **first Friday after New Year's Day**.<sup>2</sup>

4. 1.2.2. In all **ODD-NUMBERED YEARS**, the non-custodial parent's first weekend shall begin the **second Friday following New Year's Day**.<sup>3</sup>

#### 4.2. **WEEKDAY PARENTING TIME SCHEDULE:**

4.2.1. The non-custodial parent shall be able to visit his/her child **every other Wednesday**. If the child is in school, the non-custodial parent shall visit the child on Wednesday from 5:00 p.m. until 8:00 p.m. If the child is not in school, the visit shall begin at 10:00 a.m. and end at 7:30 p.m.

4.2.2. The first **ALTERNATE WEDNESDAY** visit of the new year shall follow the non-custodial parent's first weekend visit in a given new year.<sup>4</sup>

#### 4.3. **WINTER VACATION SCHEDULE:**<sup>5</sup>

4.3.1. In all **EVEN-NUMBERED YEARS**, the non-custodial parent shall have the child beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25 of each year; the custodial parent shall have the child for the remainder of the child's winter vacation.

4.3.2. In all **ODD-NUMBERED YEARS**, the custodial parent shall have the child beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25 of each year; the non-custodial parent shall have the child for the remainder of the child's winter vacation until 7:00 p.m. the day before school resumes.<sup>6</sup>

4.3.3. The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during the winter vacation period.

#### 4.4. **SUMMER PARENTING TIME:**

Unless otherwise agreed upon by the parties in writing, summer parenting time shall be divided into three (3) blocks of time; each block shall consist of a two (2) week visit (i.e., 14 days subject to remaining vacation time), as outlined below. When the child reaches the age of 8 years, the summer parenting time shall be six consecutive weeks provided, however, that the Court can continue the three two-week block of time parenting time if deemed appropriate. **(In part B there are suggestions for special age related provisions. If you feel any provision is appropriate you will need to have the court order address these concerns.)**

**4.4.1. Three (3) two (2) week parenting time schedule in EVEN NUMBERED YEARS (unless otherwise agreed upon by the parties).**

**4.4.1.1.** The non-custodial parent's first two week block of time shall begin at 7:00 p.m. on the **first Friday** following the day school adjourns and shall end at 7:00 p.m. two weeks later;

**4.4.1.2.** The custodial parent's first two week block of time shall begin at 7:00 p.m. on the **third Friday** after school adjourns and end at 7:00 p.m. two weeks later.

**4.4.1.3.** The non-custodial parent shall then have the child for the next two week period. Once that two weeks is up, the child will once again go back to the custodial parent's residence and so on.

**4.4.1.4.** The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during this extended summer vacation period.

**4.4.1.5.** The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.

**4.4.2. Three (3) two (2) week parenting time schedule in ODD NUMBERED YEARS (unless otherwise agreed upon by the parents).**

**4.4.2.1.** The custodial parent's first two week block of time shall begin at 7:00 p.m. on the **first Friday** after school adjourns and end at 7:00 p.m. two weeks later;

**4.4.2.2.** The non-custodial parent's first two week block of time shall begin at 7:00 p.m. on the **third Friday** after school adjourns and end at 7:00 p.m. two weeks later;

**4.4.2.3.** The custodial parent shall then have the child for the next two week period. Once that two weeks is up, the child will once again go back to the non-custodial parent's residence and so on.

**4.4.2.4.** The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during the summer vacation period.

**4.4.2.5.** The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.

**4.4.3. The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.**

**4.4.4. Six-week visit.**

**4.4.4.1.** Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the summer parenting time period which the non-custodial parent chooses to have with the child. The custodial parent shall have the child for the rest of the summer subject to the non-custodial parent's "alternate weekends", provided, however, that the custodial parent shall have the right to keep the child for two uninterrupted weeks during the custodial parent's one-half of the summer which will result in the non-custodial parent losing one "alternate weekend". There shall be no alternate Wednesday visits during the summer. The custodial parent shall have "alternate weekend" visits with the child during the non-custodial parent's six week visit provided, however, that the non-custodial parent shall have the right to keep the child for two uninterrupted weeks during non-custodial parent's six-week visit which will result in the custodial parent losing one "alternate weekend" visit. Such interim parenting time by the custodial parent shall not lengthen the six-week parenting time period allowed to the non-custodial parent. The six week summer parenting time shall not end later than 7:00 p.m. on the sixth day before school resumes. If the non-custodial parent fails to give written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child after giving two weeks' written notice to the custodial parent, if and to the extent the time remains for such parenting time; provided, however, that the custodial parent shall have the right to choose the inclusive dates for such parenting time.

#### **4.5 LONG DISTANCE PARENTING TIME.**

Where the non-custodial parent lives more than 200 miles from the child the following shall apply.

#### **4.5.1. Extended Parenting Time:**

**4.5.1.1. Newborn to less than three years of age:** Three one-week blocks with a break of at least one week between visits at any time during the year, excluding holidays to which the custodial parent is entitled. The non-custodial parent shall notify 90 days advance written notice to the custodial parent of the dates of each of the one-week blocks selected.

**4.5.1.2. At least three years of age and less than six years of age:** Four weeks starting not less than one week and not more than five weeks after school ends. The custodial parent has the option of a weekend (7:00 p.m. Friday until 7:00 p.m. Sunday) after the first two weeks, in the general area of the non-custodial parent's residence.

**4.5.1.3. Six years and older:** The non-custodial parent shall have all but two weeks of the child's summer school vacation, provided, the parenting time shall end not more than six days before school resumes. The custodial parent shall have a two-week period with the child either at the beginning of the summer or after the first one-half of the visit with the non-custodial parent. If the custodial parent chooses to have the two-week period after the first one-half of the parenting time period, the custodial parent shall pay for all transportation costs incurred in transporting the child from the non-custodial parent's home to the custodial parent's home and back to the non-custodial parent's home. The six days before school resumes shall not be considered a part of the custodial parent's two weeks.

**4.5.1.3.1.** The custodial parent shall by May 1 of each year provide written notice to the non-custodial parent of the dates selected for the custodial parent's two-week period with the child.

#### **4.5.2 School year parenting time:**

##### **4.5.2.1. In even-numbered years:**

**4.5.2.1.1.** Thanksgiving vacation from Wednesday at the time school adjourns until the following Sunday.

**4.5.2.1.2.** Spring break from the day after school adjourns until 6:00 PM on the day before school resumes.

##### **4.5.2.2. In odd-numbered years:**

**4.5.2.2.1.** Every Christmas vacation from the day after school

adjourns until two days before school resumes.

**4.5.3. Weekend/Non-school day visits:** The non-custodial parent shall have the right to weekend visits or non-school day visits of not more than two weekends per month, excluding holidays to which the custodial parent is entitled, if he/she gives 30 days written notice to the custodial parent.

**4.5.4. Transportation:** Transportation by plane, train or bus: If the non-custodial parent wants the child to travel by plane, train or bus, then the custodial parent shall deliver and pick up the child at the local international airport, train station or bus station. A child younger than five years shall not travel long distances unless accompanied by a parent or mutually-agreed upon adult known to the child. Approval of a non-parent companion shall not be unreasonably withheld.

## **5. OTHER HOLIDAYS, EVENTS AND VACATION DAYS:**

The residential schedule for the child for the holidays, events and vacation days listed below is as follows:

Thanksgiving Vacation:

Custodial parent - odd years

Non-custodial parent - even years

Halloween:

Custodial parent - even years

Non-custodial parent - odd years

Spring Vacation:

Custodial parent - even years

Non-custodial parent - odd years

Mother's Day: always with mother

Father's Day: always with father

Fourth of July: with the parent whose summer schedule includes July 4th.

Child's Birthday:

Custodial parent - even years

Non-custodial parent - odd years

Mother's Birthday: Always with mother, at mother's option

Father's Birthday: Always with father, at father's option

### **5.1. Definitions of Holiday Periods:**

- 5.1.1. **THANKSGIVING HOLIDAY** commencing on Wednesday at 7:00 p.m. and ending on the following Sunday at 7:00 p.m.
- 5.1.2. **HALLOWEEN** beginning on October 31st at 5:30 p.m. and ending at 9:00 p.m.
- 5.1.3. **SPRING VACATION** whether or not the child is in school, during the period of school spring vacation (measured from the day after school adjourns through the day before school resumes), commencing at 10:00 a.m. and ending at 7:00 p.m.
- 5.1.4. **MOTHER'S DAY** the mother shall have parenting time with the child on Mother's Day each year, commencing at 10:00 a.m. and ending at 7:00 p.m.
- 5.1.5. **FATHER'S DAY** the father shall have parenting time with the child on Father's Day each year, commencing at 10:00 a.m. and ending at 7:00 p.m.
- 5.1.6. **SUMMER VACATION** commencing at 7:00 p.m. on the first Friday school is out and ending at 7:00 p.m. on the Friday before school resumes.
- 5.1.7. **BIRTHDAY'S** commencing at 5:00 p.m. and ending at 8:00 p.m. on a school day. Commencing at 10:00 a.m. and ending at 7:00 p.m. on a non-school day.

## 6. **STANDARDS FOR INTERPRETATION OF THE LOCAL RULES.**

- 6.1 **Support of parenting time.** The custodial parent shall encourage parenting time with the child and the child shall not be permitted to determine whether the child wishes to visit the non-custodial parent unless agreed to, in writing, by both parents.
- 6.2 **Meals & Clothes.** The CUSTODIAL PARENT shall have the CHILD fed and ready on time for parenting time with sufficient clothing packed and ready for the parenting time period. The NON-CUSTODIAL PARENT shall return all clothing and feed the CHILD a meal before returning the child from the parenting time period.
- 6.3 **Writing and telephoning.** The NON-CUSTODIAL PARENT shall, in addition to the parenting time in this ORDER, have the right to correspond with the CHILD, and to telephone the child during reasonable hours without monitoring by CUSTODIAL PARENT or anyone else. Unless otherwise agreed to between the parties, telephone calls between NON-CUSTODIAL PARENT and the CHILD shall be limited to no more than 3 per week. The CUSTODIAL PARENT shall also have similar rights during periods of NON-CUSTODIAL PARENT's parenting time. A child over the age of 12 shall have the right to initiate calls to the other parent during reasonable hours. Long distance calls are to be made

collect unless other arrangements are made.

**6.4. Decision Making.** The CUSTODIAL PARENT is encouraged to consult with NON-CUSTODIAL PARENT regarding major decisions affecting the child; however, the CUSTODIAL PARENT shall have full decision-making authority. Each parent shall exert his/her best effort to work cooperatively for the best interests of the CHILD.

**6.5. Parenting Time is Independent From Support.** Parenting time is not dependent on payment of child support or on whether or not the other parent does or does not do other things not directly related to parenting time.

## **7. FLEXIBILITY.**

Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. It is the intent of this parenting time document to provide a schedule to parents who have not been able to agree to an alternate more flexible schedule. This rule is not intended to create an absolute maximum amount of time NON-CUSTODIAL PARENT can be with the CHILD. Nor is it intended to restrict a parent from seeing a child at school or events.

## **8. PARENT EDUCATION PROGRAMS.**

The Twelfth Judicial District provides a mandatory Parent Education Program. (See Supplementary Local Rule 8.080.)

## **9. SMOKING OR DRINKING ALCOHOL IN THE PRESENCE OF THE CHILD.**

An issue frequently occurs when one parent smokes or drinks alcohol in front of the child and the other parent objects. If the parents cannot agree on this issue, neither parent should smoke in the presence of the child (or smoke in any manner so the child is breathing the smoke) and neither parent should drink alcohol to the point where they are affected by the alcohol.

## **10. INVOLVEMENT AND FLEXIBILITY.**

The parenting time schedule should be construed and implemented in a manner which fosters the child's best interest by providing liberal, predictable, and wholesome time between the child and the non-custodial parent. While this schedule promotes stability for the child, each parent acknowledges that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting time schedule. Each parent should be flexible in arranging dates and time with the child so important family events and the child's activities are maintained with minimal disruption or hard feelings. Each parent shall act reasonably in registering the child for activities keeping in mind that neither parent is entitled to require activities for the child which will take place during the other parent's time with the child. On the other hand, there are natural activities which occur (such as school, athletic, music and other programs) that, by their very nature, take place on the other parent's weekend or scheduled parenting time.

10.1 Although neither parent is required to take a child to any activity, each parent is encouraged to use his or her best effort to keep the child involved in athletic

events, school functions, lessons, birthday parties of friends, etc. even though those activities may fall during a parenting time period. To do otherwise would deprive the child of valuable growing opportunities.

- 10.2. Each parent is encouraged to use a child's activity as an opportunity for that parent to participate with the child, meet the child's friends and other families and to have a quality experience with the child.

**11. THE FOLLOWING SUGGESTIONS ARE NOT BINDING UNLESS ADOPTED BY COURT ORDER.**

**If you feel there are activities of the child or parents, physical, emotional, religious, transportation or work-related concerns, or that there are special needs related to the age of a child and you are unable to mutually resolve those concerns, then you will need to seek the court's assistance to deviate from this rule to address those concerns.**

For example, the Twelfth Judicial District Local Rule recognizes that parenting time guidelines should be based upon the needs of a growing child. Parents may wish to ask the Court to consider these age of the child suggestions if they are appropriate.

- 11.1. Infant, age 0 to less than 1. Frequent two to four hour visits, two or three days per week from CUSTODIAL PARENT's home; also one additional afternoon or evening per week. Single overnight visitations, provided NON-CUSTODIAL PARENT has been actively involved in the care taking role.
- 11.2. The toddler, age 1 to less than 3 ½. Four weekend days per month, plus one-half (½) day per week (4 to 6 hours). Overnight parenting time, provided NON-CUSTODIAL PARENT has been actively involved in the care taking role and/or is accompanied by an older child. During any visits of 7 days or more, the other parent should have a four hour mid-week visit.
- 11.3. The pre-schooler, age 3 ½ to less than 6. Alternate weekends from 7:00 p.m. Friday to 7:00 p.m. Sunday, plus either one non-overnight weekday per week during the afternoon or evening. Summer visits should be as per the Rule. During any visits of 7 days or more the other parent should have a four hour mid-week visit.
- 11.4. The early elementary, age 6 to less than 9. Summer visits should be as per the Rule. The parenting time schedule should be flexible enough to insure the children's participation in ongoing or special activities.
- 11.5. The later elementary, age 10 and older. The minimum is the same as the early elementary. Flexible parenting time is the basic principle, with the children having some input to avoid scheduling conflicts. At this age, it seems the quality of time is more important than the quantity but consideration should be given to the child's organized athletics and outside activities.

FOOTNOTE EXAMPLES

1. Effective February 1, 1997. (Revised Edition)
2. For example, the non-custodial parent shall pick the child up from the custodial parent's home at 7:00 p.m. on alternating Fridays, and return the child to the custodial parent's home the following Sunday evening in accordance with the rule. However, if the Monday is a recognized holiday, such as Memorial Day, and the non-custodial parent had the child that weekend, then he/she shall have parenting time with the child until 7:00 p.m. on the Memorial Day.
3. For example, in the year 1998, New Year's Day falls on a Thursday, the non-custodial parent's first weekend visit would begin at 7:00 p.m. on Friday, January 2, and end the following Sunday evening, January 4, at the time specified in Paragraph 4.1.1.

In accordance with the above example (New Year's day falling on a Monday), if the first alternate weekend visit began on Friday, January 2, 1998, the non-custodial parent's second alternate weekend visit of the new year would begin on a Friday two weeks later, and so on:

First visit: 7:00 p.m. on Friday, January 2, 1998, through 7:00 p.m. the following Sunday;

Second visit: 7:00 p.m. on Friday, January 16, 1998, through 7:00 p.m. the following Sunday;

Third visit: 7:00 p.m. on Friday, January 30, 1998, through 7:00 p.m. the following Sunday.

4. For example, in the year 2001, New Year's Day falls on a Monday, the non-custodial parent's first weekend visit would begin on the second Friday in January, which would be Friday, January 12, 2001.

In accordance with the above example, if the non-custodial parent's first alternate weekend visit began on Friday, January 12, 2001, the second alternate weekend visit of the new year would commence two weeks later, on Friday, January 26, and end the following Sunday, and so on.

First visit: 7:00 p.m. on Friday, January 12, 2001, through 7:00 p.m. the following Sunday;

Second visit: 7:00 p.m. on Friday, January 26, 2001, through 7:00 p.m. the following Sunday;

Third visit: 7:00 p.m. on Friday, February 9, 2001, through 7:00 p.m. the following Sunday.

5. Using our example above, in the year 2001, if the non-custodial parent's first alternate weekend visit began on Friday, January 12, 2001, then the first alternate Wednesday visit would be on January 17, and so on.

First Wednesday visit:           Wednesday, January 17, 2001;

Second Wednesday visit:       Wednesday, January 31, 2001;

Third Wednesday visit:         Wednesday, February 14, 2001.

6. If the child is not of school age, Winter Vacation shall be considered to begin on the day school would normally let out for the school district in which the child resides.
7. For example, if the child goes back to school on January 8, 2001, the non-custodial parent's visit shall end at 7:00 p.m. on January 7, 2001.