

Hanis Irvine Prothero, PLLC

Parenting Plans

May 2010



Jamie Perry, Attorney Family Law

Office: 253.520.5000**Toll Free: 877.520.5252****Fax: 253.893.5007****Email:****jperry@hiplawfirm.com****www.hiplawfirm.com**

Hanis Irvine Prothero, PLLC Attorneys At Law

6703 S. 234th Street
Suite 300
Kent, Washington 98032

Phone: 253.520.5000

Toll Free: 877.520.5252

www.hiplawfirm.com

It is imperative that, as a child grows, they have 1) a sense of stability in their residential schedule and 2) a relationship with both parents. A parenting plan is a document that outlines the time a child spends with both parents and hopefully accomplishes both of these goals. Whether you are going through a divorce, going to court on a child custody case or relocating with a child, a parenting plan will be required by the court and can sometimes be confusing. Hopefully this article will give you an understanding of the different parts of the plan so that you have a basis for understanding and proposing a plan to the court.

First, there are restrictions. This portion of the parenting plan tells the court whether there is a serious problem with one or both parent's ability to take care of the child or children. The court lists specific instances where a parent's time with the child should be restricted such as abandonment of the child, domestic violence, abuse of some sort or long term drug or alcohol addictions. If one or both parents have one of the listed issues, make sure that is noted in the parenting plan so that the court is alerted to the fact that one party should have their parenting time restricted in some way.

If there are restrictions listed in the plan the court has the ability to limit a parent's residential time with the child, restrict the decision making of one parent or impose other restrictions such as banning the use of alcohol around the children. Restrictions are very serious and should only be used when someone has a serious impairment that would limit their ability to take care of the children.

The heart of the parenting plan is in the residential schedule portion of the plan. In this section you outline where and with whom the child will reside for every day of the year. Some of the considerations to think about before completing this section are who the children will live with during the school week, during each of their school breaks, on each holiday and during the summer. Generally if there are no restrictions the court will aim to have each parent spend a substantial amount of time with the children without disrupting their school schedule. For this reason, many times the court will order that the children are with one parent during the school week, but then give the other parent more time with the kids during school or summer breaks.

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Transportation arrangements are also addressed in the parenting plan. Generally parents share in the transportation so that one parent is not always transporting the children to visits. However if there are restrictions in the parenting plan, or the parents live far away from each other this may not always be possible.

The final major part of the plan deals with decision making. Generally joint decision making will be ordered which will require both parents to participate in important decisions regarding the education of the child, non emergency health care decisions and religious upbringing. Note that each parent always has the ability to make emergency health care decisions when the child is in their care.

If a situation arises where the parents' cannot agree on a course of action for the child, then there are provisions in the plan that determine how disputes can be dealt with. For example if one parent wants to change the child's school, then both parents must agree if they have joint decision making. If the parents cannot agree, then the plan will instruct them as to how to settle the dispute. Disputes can be dealt with through mediation, arbitration or by filing a motion and going back to court.

In all parenting plans can be confusing, however once one is in place it gives the parents and the child some stability in the residential schedule for the child as well as how the child's upbringing will be accomplished. A good plan should head off any disputes that may occur in the future and should be flexible enough to keep you out of future court actions. The most important thing to remember is that the parenting plan is simply a fall back. Parents can always agree to deviate from the plan, and in fact the court appreciates parents that are flexible enough to work together toward the best interest of the child. However, if there are ever disputes regarding the child, then a final parenting plan, signed by the court, should be looked to in order to settle those disputes.