

APPENDIX E
CLERMONT COUNTY JUVENILE COURT PARENTING GUIDELINES

(AGES 3 YEARS TO 6 YEARS)

The Court may consider an order granting parenting time rights in an original parentage action pursuant to Ohio Revised Code Section 3119.08 and/or as an order in the best interest of the minor child(ren) as authorized by Ohio Revised Code Section 3113.13(C). The parties shall be prepared to address parenting time issues whether or not raised in the pleadings.

Parenting time issues in Juvenile Court cases often present situations where a child(ren)'s parents may never have resided together and/or where a parent may never have resided with the child(ren) who are the subject(s) of the proceedings. Additionally, the Court may also be considering situations in which a child(ren)'s legal custodian is not a parent of the child(ren). These circumstances often make application of a model parenting time order problematical.

This schedule should **not** be considered by any party as a minimum entitlement to parenting time. The Court shall exercise discretion in determining whether this parenting time schedule is appropriate in each individual case based upon the totality of circumstances and the best interest of the child(ren). The Court may incorporate by reference into any special parenting time schedule such portions of this model parenting time schedule as may be appropriate.

In determining the appropriate parenting time schedule, the Court will consider the following:

1. The age and developmental needs of each child
2. Any extraordinary medical and/or educational needs of the child(ren) and the non-residential parent's resources and ability to accommodate those needs
3. The psychological attachments of each child
4. The preservation or development of a close relationship with each parent
5. A consistent and predictable schedule that minimizes the transition between the households, especially when young children are involved. Failure to consistently exercise parenting time may result in a modification of the parenting time schedule
6. Each child's temperament and ability to adjust to change
7. Each child's school schedule and/or reasonable extracurricular activities
8. Parents' education/career demands and work schedules
9. The need for periodic review of the schedule, noting trouble signs and revising as each child's needs and circumstances change

For purposes of interpreting these guidelines, and if a shared parenting plan refers to this schedule, the party with whom the child(ren) spend the majority of time shall be referred to as

the residential parent and the other parent as the non-residential parent, provided that the shared parenting plan does not contain any provisions to the contrary.

The best parenting time schedule is your own plan, entered into by mutual agreement and cooperation.

However, if you cannot agree, the Court has designed this plan to ensure that your child(ren) will have frequent and consistent contact with both parents.

A. STANDARD PARENTING TIME SCHEDULE:

- (1.) Unless otherwise agreed between the parties, the non-residential parent shall be entitled to parenting time on alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M.
- (2.) The non-residential parent shall be entitled to two (2) hours of parenting time every week. Unless otherwise agreed between the parents, the non-residential parent shall be entitled to parenting time every Wednesday from 5:00 P.M. until 7:00 P.M.
- (3.) In the event that the non-residential parent has never lived in the same home as the child(ren) and has had no previous parenting time with the child(ren), either pursuant to court order or at the discretion of the residential parent, then he/she shall exercise six (6) visits with the child(ren) in the home of and under the supervision of the residential parent or a suitable adult of his/her choosing. The supervisor shall be the only person present during the parenting time. Said visits shall take place within a period of 45 days, and shall be no more than two (2) hours in duration. Unless otherwise agreed between the parties the parenting time shall take place in accordance with the following schedule: Tuesday and Thursday from 5:30 P.M. until 7:30 P.M.; and Sunday from 2:00 P.M. until 4:00 P.M. The non-residential parent shall bring no other person(s) to the parenting time unless otherwise agreed between the parties.
- (4.) Upon the completion of said visits, he/she shall be entitled to parenting time in accordance with Paragraphs (1) and (2) set forth above.

B. HOLIDAY PARENTING TIME:

Unless otherwise agreed between the parties, the parents shall exercise holiday parenting time in accordance with the attached Appendix "A".

C. EXTENDED PARENTING TIME:

Each parent shall be entitled to twenty-one (21) calendar days of extended parenting time each year, to be exercised in increments of a minimum of two (2) days and a maximum of seven (7) days. This time may be exercised during the summer, the child(ren)'s spring break from school (every other year per parent), or at any other appropriate time during the year. This time may also be exercised during the child(ren)'s Christmas school break (every other year per parent), but unless otherwise agreed between the parents, the extended time shall not commence prior to December 26 nor extend past December 31. Each parent shall provide the other parent with his/her vacation destination, method of travel, time of arrival and departure, and the telephone number where the child(ren) can be reached if the extended time is to be exercised other than at the other parent's home. Said information shall be provided no later than fourteen (14) days prior to the commencement of the vacation.

A parent is not required to travel out of town or use vacation time from his/her employment in order to exercise extended parenting time pursuant to this provision.

The parent seeking to exercise extended time shall notify the other parent in writing or email of the dates desired for the extended time, and shall do so no later than thirty (30) days prior to the commencement of the time requested. In the event of a scheduling conflict between the parents, the parent who first gave written or email notice to the other parent shall prevail.

Extended parenting time shall not be exercised by either parent if it would interfere with the child(ren)'s attendance at school, unless otherwise agreed in writing by the parents.

D. RULES REGARDING PARENTING TIME:

- 1. Conflicting Schedules:** In the event of any conflict between parenting time schedules, the following is the order of precedence:
 - a. Holidays
 - b. Extended parenting time
 - c. Weekends and weekdays
- 2. Illness:** Parenting time shall be provided to the non-residential parent even if the child is ill, unless the child is hospitalized or a physician has recommended in writing that the child not be removed from the residential parent's home, in which event the residential parent shall notify the non-residential parent no later than 24 hours after the hospitalization or the physician's recommendation. Any weekend parenting time that is missed pursuant to this provision shall be made up the weekend following the child's release from hospitalization or the expiration of the physician's recommendation.
- 3. Telephone/FaceTime/Skype contact:** Both parents are entitled to reasonable telephone/FaceTime/Skype contact with the child(ren), not to exceed once per day between the hours of 10:00 A.M. and 8:00 P.M. If the child(ren) is not available at the

- time of the call, the other parent shall make all reasonable efforts to have the child return the call. Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything, by way of act or omission, to impede or restrict reasonable communication between the child(ren) and the other parent, whether said communication is initiated by the child(ren) or the other parent.
- 4. Cooperation:** Each parent shall refrain from criticizing the other parent, or arguing with the other parent, in the presence of the child(ren). Each parent shall refrain from discussing the court proceedings with, or in the presence of, the child(ren).
 - 5. Exchange of Address, Email, and Phone Numbers:** Unless otherwise ordered by the Court, each parent shall keep the other parent informed of his/her current address, email, and telephone number and a telephone number where the child(ren) may be reached. Any changes in any of the foregoing shall be provided to the other parent no later than 24 hours after such changes.
 - 6. Transportation:** In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the child(ren) shall be responsible for transportation. For example, the non-residential parent shall be responsible for transportation when he/she picks up the child at the commencement of his/her parenting time; the residential parent shall be responsible for picking up the child(ren) at the end of the parenting time.
 - 7. Grace Period:** The parent responsible for transportation at the beginning or the end of the parenting time shall have a grace period of fifteen (15) minutes if the parties live within thirty (30) miles of each other. If the one-way distance to be traveled is more than thirty (30) miles then the grace period shall be thirty (30) minutes. In the event that the non-residential parent exceeds the grace period at the commencement of his/her parenting time, that period of parenting time shall be forfeited unless prior notification and arrangements have been made between the parents. Another exception to the forfeiture provision is where the non-residential parent suffers an unavoidable vehicle breakdown or other delay en route and he/she promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent without just cause shall be grounds for granting a modification of the parenting time schedule.
 - 8. Make up time:** Make up time shall be provided to the non-residential parent if the child(ren) or the residential parent is not available at the commencement of the scheduled parenting time, or if the residential parent denies the scheduled parenting time without just cause. All make up days shall be rescheduled and exercised within thirty (30) days of the date of the denial of said parenting time.
 - 9. Clothing and Supplies for Child(ren):** The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season as well as for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two (2) extra sets of play clothes, one

dress outfit, three (3) sets of underwear, in addition to the clothes the child(ren) is wearing at the commencement of the weekend parenting time. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time, including clothing, shoes, toys, books, and electronic devices and accessories..

- 10. Notification of Medical Issues:** Each parent shall notify the other parent immediately (defined as no later than 1 hour after the event or discovery of the issue) of any medical emergency or significant medical issue or event that necessitates professional medical care. The parent shall first attempt to contact the other parent by phone; if unable to reach the other parent, he/she shall send a text message.
- 11. Medications:** The residential parent shall send with the child(ren) any and all prescription and over-the-counter medications currently being administered to the child(ren), and shall provide to the non-residential parent the necessary information concerning the frequency and dosage. The non-residential parent shall return all unused medications at the end of his/her parenting time.
- 12. Child(ren)'s Activities:** Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, school, sports, extracurricular activities). It is the responsibility of the parents to discuss such activities of the child(ren) in advance, including time and dates of said activities, the transportation needs of the child(ren), so that the child(ren) is not deprived of such activities. Each parent shall provide the other parent with copies of any written materials (e.g. activity schedule, maps and directions, instructions) that have been distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities that are traditionally attended by parents.
- 13. Relocation Notice:** Pursuant to Ohio Revised Code Section 3109.051(G), the parents are notified as follows: If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with the Court. Except as provided in Ohio Revised Code Section 3109.051(G)(2), (3), and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on a motion filed by the non-residential parent, may schedule a hearing with notice to both parents, to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule for the child(ren).
- 14. Records Access Notice:** Pursuant to Ohio Revised Code Section 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that

is related to the child(ren) and to which the residential parent is legally provided access, including school and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order is in contempt of Court.

15. Day Care Center Access Notice: Pursuant to Ohio Revised Code Section 3109.051(I), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and in accordance with Ohio Revised Code Section 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center. The non-residential parent shall not remove the child(ren) from the day care premises except during periods of time to which the non-residential parent is otherwise entitled pursuant to this order or except by written agreement of the parents.

16. School Activities Notice: Pursuant to Ohio Revised Code Section 3109.051(J), the parents are hereby notified as follows: Except as specifically modified or otherwise limited by court order, and subject to Ohio Revised Code Section 3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) to which the residential parent is legally provided access.

E. CONCLUSION

Flexibility in the implementation of the foregoing schedule to best suit the changing needs of the child(ren) as well as the employment schedules of the parents is strongly encouraged. HOWEVER, absent an Order of the Court, the foregoing schedule shall be followed absent a clear mutual understanding between the parents to deviate. Any deviation or modification shall be in writing, if feasible.