

# Indiana Parenting Time Guidelines

Adopted, Effective March 31, 2001  
Updated, Effective January 1, 2022

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# Parenting Time Rule. Adoption of Parenting Time Rule and Guidelines

Effective March 1, 2013

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The Indiana Supreme Court hereby adopts the Indiana Parenting Time Guidelines, as drafted by the Domestic Relations Committee and adopted by the Board of the Judicial Conference of Indiana and all subsequent amendments thereto presented by the Domestic Relations Committee of the Judicial Conference of Indiana, as the Parenting Time Rule and Guidelines of this Court.

# Preamble

Effective March 1, 2013

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The Indiana Parenting Time Guidelines are based on the premise that it is usually in a child's best interest to have frequent, meaningful and continuing contact with each parent. It is assumed that both parents nurture their child in important ways, significant to the development and well being of the child. The Guidelines also acknowledge that scheduling parenting time is more difficult when separate households are involved and requires persistent effort and communication between parents to promote the best interest of the children involved. The purpose of these guidelines is to provide a model which may be adjusted depending upon the unique needs and circumstances of each family. These guidelines are based upon the developmental stages of children. The members of the Domestic Relations Committee of the Judicial Conference of Indiana developed the guidelines after reviewing the current and relevant literature concerning visitation, the visitation guidelines of other geographic areas, and the input of child development experts and family law practitioners. Committee members also relied upon data from surveys of judges, attorneys, and mental health professionals who work with children, reviews of court files, and a public hearing.

A child whose parents live apart has special needs related to the parent-child relationship. A child's needs and ability to cope with the parent's situation change as the child matures. Parents should consider these needs as they negotiate parenting time. They should be flexible and create a parenting time agreement which addresses the unique needs of the child and their circumstances. Parents and attorneys should always demonstrate a spirit of cooperation. The Indiana Parenting Time Guidelines are designed to assist parents and courts in the development of their own parenting plans. In the event the parties cannot create their own parenting time agreement, these guidelines represent the minimum time a parent should have to maintain frequent, meaningful, and continuing contact with a child.

## A. A Child's Basic Needs

To insure more responsible parenting and to promote the healthy adjustment and growth of a child each parent should recognize and address a child's basic needs:

1. To know that the parents' decision to live apart is not the child's fault.
2. To develop and maintain an independent relationship with each parent and to have the continuing care and guidance from each parent.

3. To be free from having to side with either parent and to be free from conflict between the parents.
4. To have a relaxed, secure relationship with each parent without being placed in a position to manipulate one parent against the other.
5. To enjoy regular and consistent time with each parent.
6. To be financially supported by each parent, regardless of how much time each parent spends with the child.
7. To be physically safe and adequately supervised when in the care of each parent and to have a stable, consistent and responsible child care arrangement when not supervised by a parent.
8. To develop and maintain meaningful relationships with other significant adults (grandparents, stepparents and other relatives) as long as these relationships do not interfere with or replace the child's primary relationship with the parents.

## B. Purpose of Commentary Following Guideline.

Many of the guidelines are followed by a commentary further explaining the guideline or setting forth the child centered philosophy behind the guideline. The commentary is not an enforceable rule but provides guidance in applying the guideline.

### COMMENTARY

#### 1. Use of Term “Parenting Time.”

Throughout these Guidelines the words “parenting time” have been used instead of the word “visitation” so as to emphasize the importance of the time a parent spends with a child. The concept that a noncustodial parent “visits” with a child does not convey the reality of the continuing parent-child relationship.

#### 2. Minimum Time Concept.

The concept that these Guidelines represent the minimum time a noncustodial parent should spend with a child when the parties are unable to reach their own agreement. These guidelines should not be interpreted as a limitation of time imposed by the court.

They are not meant to foreclose the parents from agreeing to, or the court from granting, such additional or reduced parenting time as may be in the best interest of the child in any given case. In addressing all parenting time issues, both parents should exercise sensibility, flexibility and reasonableness.

### 3. Parenting Time Plans or Calendars.

It will often be helpful for the parents to actually create a year-long parenting time calendar or schedule. This may include a calendar in which the parties have charted an entire year of parenting time. Forecasting a year ahead helps the parents anticipate and plan for holidays, birthdays, and school vacations. The parenting time calendar may include agreed upon deviations from the Guidelines, which recognize the specialized needs of the children and parents. An online calendar to assist parents in creating a parenting time schedule may be found at: <https://public.courts.in.gov/PTC/#/>.

## C. Scope of Application

### 1. Generally.

These Guidelines are applicable to all child custody situations, including paternity cases and cases involving joint legal custody where one person has primary physical custody. However, they are not applicable to situations involving family violence, substance abuse, risk of flight with a child, or any other circumstances the court reasonably believes endanger the child's physical health or safety, or significantly impair the child's emotional development. In such cases one or both parents may have legal, psychological, substance abuse or emotional problems that may need to be addressed before these Guidelines can be employed. The type of help that is needed in such cases is beyond the scope of these Guidelines.

### 2. Amendments.

Existing parenting time orders on the date of adoption of these amendments shall be enforced according to the parenting time guidelines that were in effect on the date the most recent parenting time order was issued. Changes to the Indiana Parenting Time Guidelines do not alone constitute good cause for amendment of an existing parenting time order; however, a court or parties to a proceeding may refer to these guidelines in making changes to a parenting time order after the effective date of the guidelines.

## COMMENTARY

Parents who agree that current changes to the Indiana Parenting Time Guidelines are in their child's best interests should file their written agreement with the court for approval. Parents may agree to some or all of the changes to the Indiana Parenting Time Guidelines and should be specific in their written agreement.

### 3. Presumption.

There is a presumption that the Indiana Parenting Time Guidelines are applicable in all cases. Deviations from these Guidelines by either the parties or the court that result in parenting time less than the minimum time set forth below must be accompanied by a written explanation indicating why the deviation is necessary or appropriate in the case. A court is not required to give a written explanation as to why a parent is awarded more time with the child than the minimum in these guidelines.

## COMMENTARY

The written explanation need not be as formal as Findings of Fact and Conclusions of Law; however, it must state the reason(s) for the deviation. Because the parenting time guidelines are minimum standards, it is recommended parents and courts not "default" to these guidelines in lieu of a consideration of the best parenting time plan.

# Section I. General Rules Applicable To Parenting Time

Effective January 1, 2022

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## A. Communications

### 1. Between Parents.

Parents shall at all times keep each other advised of their home and work addresses, telephone numbers and email addresses. Notice of any change in this information shall be given to the other parent in writing. All communications concerning a child shall be conducted between the parents. Any communication shall occur at reasonable times and places unless circumstances require otherwise. A child shall not be used to exchange documents or financial information between parents.

### 2. With a Child Generally.

A child and a parent shall be entitled to private communications without interference from the other parent. A child shall never be used by one parent to spy or report on the other. Each parent shall encourage the child to respect and love the other parent. Parents shall at all times avoid speaking negatively about each other in or near the presence of the child, and they shall firmly discourage such conduct by relatives or friends.

### 3. With a Child by Telephone.

Both parents shall have reasonable phone access to their child. Telephone communication with the child by either parent to the residence where the child is located shall be conducted at reasonable hours, shall be of reasonable duration, and at reasonable intervals, without interference from the other parent.

Whether a parent uses an answering machine, voice mail, text, or email, messages left for a child shall be promptly communicated to the child and the call returned.



## COMMENTARY

Parents should agree on a specified time for telephone calls so that a child will be available to receive the call. The parent initiating the call should bear the expense of the call. A child may, of course, call either parent, though at reasonable hours, frequencies, and at the cost of the parent called if it is a long distance call.

Examples of unacceptable interference with communication include a parent refusing to answer a phone or refusing to allow the child or others to answer; a parent recording phone conversations between the other parent and the child; turning off the phone or using a call blocking mechanism or otherwise denying the other parent telephone contact with the child. A parent may restrict access from a telephone, tablet, or other device used to communicate with the other parent as punishment for a child, but such punishment shall not prevent communications with the other parent.

### 4. With a Child by Mail.

A parent and a child shall have a right to communicate privately by text, e-mail and faxes, and by cards, letters, and packages, without interference by the other parent.

## COMMENTARY

A parent should not impose obstacles to mail communications. For example, if a custodial parent has a rural address, the parent should maintain a mailbox to receive mail at that address. A parent who receives a communication for a child shall promptly deliver it to the child.

### 5. Electronic Communication.

The same provisions above apply to electronic communications of any kind. However, these provisions shall not be construed to interfere with the authority of either parent to impose reasonable restrictions to a child's access to the Internet.

## 6. Emergency Notification.

For emergency notification purposes, whenever a child travels out of the area with either parent, one of the following shall be provided to the other parent: An itinerary of travel dates, destinations, and places where the child or the traveling parent can be reached, or the name and telephone number of an available third person who knows where the child or parent may be located.

## 7. Communication between parent and child.

Each parent is encouraged to promote a positive relationship between the children and the other parent. It is important, therefore, that communication remain open, positive and frequent. Regular phone contact is an important tool in maintaining a parent/child relationship as well as other forms of contact such as letter, e-mail and other more technologically advanced communications systems such as video chat and Skype. No person shall block reasonable phone or other communication access between a parent and child or monitor or record such communications. A parent who receives a communication for a child shall promptly deliver it to the child. Both parents shall promptly provide the other parent with updated cell and landline phone numbers and e-mail addresses when there has been a change.

### COMMENTARY

It is important for a child to have as much contact with both parents as possible. Interference with reasonable communication between a parent and child, including monitoring of that communication is destructive not only to the child's relationship with the other parent, but is also destructive to the child. Attempts to block access to and contact with the other parent may violate these parenting time guidelines. These types of behaviors may lead to sanctions, a change of parenting time, or in some cases, a change of custody. The prohibition applies equally to both parents.

## B. Implementing Parenting Time

### 1. Transportation Responsibilities.

Unless otherwise agreed between the parents, the parent receiving the child shall provide transportation for the child at the start of the scheduled parenting time and the other parent

shall provide transportation for the child at the end of the scheduled parenting time.

## COMMENTARY

### 1. Presence of Both Parents.

Both parents should be present at the time of the exchange and should make every reasonable effort to personally transport the child. On those occasions when a parent is unable to be present at the time of the exchange or it becomes necessary for the child to be transported by someone other than a parent, this should be communicated to the other parent in advance if possible. In such cases, the person present at the exchange, or transporting the child, should be a responsible adult with whom the child is familiar and comfortable. In the event a parent chooses to bring a third party to the exchange, care should be taken to ensure the person selected does not serve to increase the level of conflict at the exchange.

### 2. Distance/Cost as Factors.

Where the distance between the parents' residences is such that extended driving time is necessary, the parents should agree on a location for the exchange of the child. The cost of transportation should be shared based on consideration of various factors, including the distance involved, the financial resources of the parents, the reason why the distances exist, and the family situation of each parent at that time.

### 3. Parental Hostility.

In a situation where hostility between parents makes it impracticable to exchange a child at the parents' residences, the exchange of the child should take place at a neutral site. The use of a law enforcement facility for exchanges is an extreme measure which should only be considered in cases where protective orders between the parents exist or in cases where there is a history of repeated acts of physical violence or intimidation between the parents. In lieu of a law enforcement facility, parties are encouraged to use other public places (i.e., gas station, restaurant, grocery store) to ensure the safety and smooth transition of the child.

### 2. Punctuality.

Each parent shall have the child ready for exchange at the beginning and at the end of the scheduled parenting time and shall be on time in picking up and returning the child. The

parents shall communicate as early as possible regarding any situation that would interfere with the timely exchange of the child. Both parents have a duty to communicate any time the exchange is delayed. When no communication is initiated by the delaying parent, and pick up or return of a child does not occur within a reasonable time, the time and conditions of the exchange may be rescheduled at a time and place convenient to the parent not responsible for the delay.

## COMMENTARY

Punctuality is a matter of courtesy to the child and impacts the child's sense of security and well-being. Parents should make every effort to pick up and return a child at the agreed time, and not substantially earlier or later. Parents should recognize, however, that circumstances occur that require leeway in the scheduled times. What constitutes unreasonable time is fact sensitive. Parents are encouraged to include in their parenting plans what constitutes an unreasonable time.

### 3. Clothing.

The custodial parent shall send an appropriate and adequate supply of clean clothing with the child and the non-custodial parent shall return such clothing in a clean condition. Each parent shall advise the other, as far in advance as possible, of any special activities so that the appropriate clothing may be available to the child.

## COMMENTARY

It is the responsibility of both parents to ensure their child is properly clothed. The non-custodial parent may wish to have a basic supply of clothing available for the child at his or her home.

### 4. Privacy of Residence.

A parent may not enter the residence of the other, except by express permission of the other parent, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the child shall be picked up at the front entrance of the appropriate

residence unless the parents agree otherwise. The person delivering the child shall not leave until the child is safely inside.

## C. Changes In Scheduled Parenting Time

### Introduction

Parents should recognize there will be occasions when modification of the existing parenting schedule will be necessary. Parents should exercise reasonable judgment in their dealings with each other and with their child. Parents should be flexible in scheduling parenting time and should consider the benefits to the child of frequent, meaningful and regular contact with each parent and the schedules of the child and each parent.

#### 1. Scheduled Parenting Time To Occur As Planned.

Parenting time is both a right and a responsibility, and scheduled parenting time shall occur as planned. Both parents are jointly responsible for following the parenting time orders. A child shall not make parenting time decisions. If a parent is unable to provide personal care for the child during scheduled parenting time, then that parent shall provide alternate child care or pay the reasonable costs of child care caused by the failure to exercise the scheduled parenting time.

### COMMENTARY

Parents should understand it is important for a child to experience consistent and ongoing parenting time. A child is entitled to rely on spending time with each parent in a predictable way and adjusts better after a routine has been established and followed. A parent who consistently cancels scheduled parenting time sends a very harmful message to the child that the child is not a priority in that parent's life. In addition to disappointing a child, the voluntary cancellation of scheduled parenting time by one parent may interfere with the plans of the other parent or cause the other parent to incur child care and other costs.

Parents share a joint and equal responsibility for following parenting time orders. A child shares none of this responsibility and should not be permitted to shoulder the burden of this decision. See also Section E. 3.

Unacceptable excuses for denying parenting time include the following:

- The child unjustifiably hesitates or refuses to go.
- The child has a minor illness.
- The child has to go somewhere.
- The child is not home.
- The noncustodial parent is behind in support.
- The custodial parent does not want the child to go.
- The weather is bad (unless the weather makes travel unsafe).
- The child has no clothes to wear.
- The other parent failed to meet preconditions established by the custodial parent.

## 2. Adjustments to Schedule / “Make Up” Time.

Whenever there is a need to adjust the established parenting schedules because of events outside the normal family routine or the control of the parent requiring the adjustment, the parent who becomes aware of the circumstance shall notify the other parent as far in advance as possible. Recurring events which may require an adjustment, such as military drill obligations or annual work obligations, should be communicated as soon as those scheduled events are published. Both parents shall then attempt to reach a mutually acceptable adjustment to the parenting schedule.

If an adjustment results in one parent losing scheduled parenting time with the child, “make-up” time should be exercised as soon as possible. If the parents cannot agree on “make-up” time, the parent who lost the time shall select the “make-up” time within one month of the missed time. “Make-up” time is not an opportunity to deny the other parent of scheduled holidays or special days, as defined with the Guidelines, and should not interfere with previously scheduled activities.

“Make-up” parenting time is intended to help maintain a parent-child relationship, while taking into consideration everyday life demands. “Make-up” parenting time may not be used routinely due to a parent’s failure to plan in advance, absent a true emergency.

## COMMENTARY

There will be occasions when scheduled parenting times should be adjusted because of events or activities outside of a parent's control, such as illnesses, mandatory work, or military obligations, or special family events such as weddings, funerals, reunions, and the like. Each parent should accommodate the other in making the adjustment so that the child may attend the family event or receive "make-up" parenting time with a parent, when adjustments are needed. After considering the child's best interests, the parent who lost parenting time may decide to forego the "make-up" time.

Decisions made by a parent that are voluntary in nature and prevent their regular exercise of parenting time such as vacations or participation in other, voluntary activities, should not be subject to "make-up" parenting time, absent an agreement by both parents to accommodate the adjustment and subsequent "make-up" time. These events may result in the opportunity for additional parenting time for the other parent.

### **3. Parties who exercise equal periods of parenting time**

may not exercise more than three (3) additional days of "make-up" parenting time at any one time, in conjunction with regularly scheduled parenting time, so the parent does not exercise more than ten (10) consecutive days of regular and make-up parenting time. These additional days should be exercised outside of those holidays and special days as designated within the Guidelines when possible.

### **4. Opportunity for Additional Parenting Time.**

When it becomes necessary that a child be cared for by a person other than a parent or a responsible household family member, the parent needing the child care shall first offer the other parent the opportunity for additional parenting time, if providing the child care by the other parent is practical considering the time available and the distance between residences. The other parent is under no obligation to provide the child care. If the other parent elects to provide this care, it shall be done at no cost and without affecting child support. The parent exercising additional parenting time shall provide the necessary transportation unless the parties otherwise agree.

## COMMENTARY

The rule providing for opportunities for additional parenting time promotes the concept that a child receives greater benefit from being with a parent rather than a child care provider who is not a household family member. The household family member is defined as an adult person residing in the household, who is related to the child by blood, marriage or adoption. The rule is also intended to be practical. When a parent's work schedule or other regular activities require hiring or arranging for a child care provider who is not a household family member, the other parent should be given the opportunity to provide the care. Distance, transportation or time may make the rule impractical. The period of absence which triggers the exchange will vary depending upon the circumstances of the parties. Parents should agree on the amount of child care time and the circumstances that require the offer be made. It is presumed that this rule applies in all cases which the guidelines cover; however, the parties or a trial court may, within discretion, determine that a deviation is necessary or appropriate. Any such deviation must be accompanied by a written explanation. See *Shelton v. Shelton*, 840 N.E.2d 835 (Ind. 2006)

This section is sometimes mistakenly referred to as the “right of first refusal.” It is more accurate to refer to this section as an opportunity to exercise additional parenting time.

## D. Exchange of Information

### Introduction

Parents should obtain and share information about their children. Parents should take the initiative to obtain information about their child from the various providers of services. Each parent is responsible to establish a relationship with the child's school, health care provider and other service provider. A child may suffer inconvenience, embarrassment, and physical or emotional harm when parents fail to actively obtain and share information.

### 1. School Records.

Under Indiana law, both parents are entitled to direct access to their child's school records, Indiana Code § 20-33-7-2. Each parent should obtain school information on their own without depending on the other parent. A parent shall not interfere with the right of the other parent to communicate directly with school personnel concerning a child. The noncustodial parent shall be listed as an emergency contact unless there are special circumstances concerning child endangerment.



## 2. School Activities.

Each parent shall promptly notify the other parent of all information about school activities, which is not accessible to the other parent. A parent shall not interfere with the right of the other parent to communicate directly with school personnel concerning a child's school activities. The parent exercising parenting time shall be responsible to transport the child to school related activities.

### COMMENTARY

Each parent with knowledge of the child's event should promptly inform the other parent of the date, time, place and event. The opportunity for a child to attend a school function should not be denied solely because a parent is not able to attend the function. The child should be permitted to attend the function with the available parent. Scheduled parenting time should not be used as an excuse to deny the child's participation in school related activities, including practices and rehearsals.

## 3. Other Activities.

Each parent shall promptly notify the other parent of all organized events in a child's life which permit parental and family participation. A parent shall not interfere with the opportunity of the other parent to volunteer for or participate in a child's activities. If the child's activities occur during one parent's time with the child, that parent shall have the first opportunity to provide transportation to the activity.

### COMMENTARY

Each parent should have the opportunity to participate in other activities involving the child even if that activity does not occur during his or her parenting time. This includes activities such as church functions, athletic events, scouting and the like. It is important to understand that a child is more likely to enjoy these experiences when supported by both parents.

Parents should attempt to achieve a balance when scheduling extra-curricular activities. A reasonable amount of extra-curricular activities can enrich the child's life and

strengthen the bond between parent and child through these shared experiences. On the other hand, excessive participation in these activities could serve to diminish the quality of parenting time. Parents should take care to ensure these activities do not unreasonably infringe upon parenting time with either parent.

Extra consideration should be given to a child's participation in travel activities (i.e. basketball, baseball, softball, soccer, etc.). The cost, time away from home and demands on the child should be considered and balanced with the activity and social experience for the child.

#### 4. Health Information.

Under Indiana law, both parents are entitled to direct access to their child's medical records, Indiana Code § 16-39-1-7; and mental health records, Indiana Code § 16-39-2-9.

- a. If a child is undergoing evaluation or treatment, the custodial parent shall communicate that fact to the noncustodial parent.
- b. Each parent shall immediately notify the other of any medical emergencies or illness of the child that requires medical attention.
- c. If a child is taking prescription medication or under a health care directive, the custodial parent shall provide the noncustodial parent with a sufficient amount of medication and instructions whenever the noncustodial parent is exercising parenting time. Medical instructions from a health care provider shall be followed.
- d. If required by the health care provider, the custodial parent shall give written authorization to the child's health care providers, permitting an ongoing release of all information regarding the child to the noncustodial parent including the right of the provider to discuss the child's situation with the noncustodial parent.

### COMMENTARY

Each parent has the responsibility to become informed and participate in ongoing therapies and treatments prescribed for a child and to ensure that medications are administered as prescribed. An evaluation or treatment for a child includes medical, dental, educational, and mental health services.

## 5. Insurance.

A parent who has insurance coverage on the child shall supply the other parent with current insurance cards, an explanation of benefits, and a list of insurer-approved or HMO-qualified health care providers in the area where each parent lives. If the insurance company requires specific forms, the insured parent shall provide those forms to the other parent.

### COMMENTARY

Qualified health care orders may permit the parent to communicate with the medical health care insurance provider.

## E. Resolution of Problems and Relocation

### 1. Disagreements Generally.

When a disagreement occurs regarding parenting time and the requirements of these Guidelines, both parents shall make every effort to discuss options, including mediation, in an attempt to resolve the dispute before going to court.

### 2. Mediation.

If court action is initiated, the parents shall enter into mediation unless otherwise ordered by the court.

### 3. Child Hesitation.

If a child is reluctant to participate in parenting time, each parent shall be responsible to ensure the child complies with the scheduled parenting time. In no event shall a child be allowed to make the decision on whether scheduled parenting time takes place.

### COMMENTARY

In most cases, when a child hesitates to spend time with a parent, it is the result of naturally occurring changes in the life of a child. The child can be helped to overcome

hesitation if the parents listen to the child, speak to each other and practically address the child's needs.

Parents should inquire why a child is reluctant to spend time with a parent. If a parent believes that a child's safety is compromised in the care of the other parent, that parent should take steps to protect the child, but must recognize the rights of the other parent. This situation must be promptly resolved by both parents. Family counseling may be appropriate. If the parents cannot resolve the situation, either parent may seek the assistance of the court.

#### 4. Relocation.

When either parent or other person who has custody or parenting time considers a change of residence, a 30 day advance notice of the intent to move must be provided to the other parent or person.

## COMMENTARY

### 1. Impact of Move.

Parents should recognize the impact that a change of residence may have on a child and on the established parenting time. The welfare of the child should be a priority in making the decision to move.

### 2. Indiana Law.

Indiana law (Ind. Code § 31-17-2.2) requires all individuals who have (or who are seeking) child custody or parenting time, and who intend to relocate their residence to provide notice to an individual who has (or is seeking) child custody, parenting time or grandparent visitation. The notice must be made by registered or certified mail not later than 30 days before the individual intends to move. The relocating party's notice must provide certain specified and detailed information about the move. This information includes: the new address; new phone numbers; the date of the proposed move; a stated reason for the move; a proposed new parenting time schedule; and must include certain statements regarding the rights of the non-relocating party. The notice must also be filed with the Court. The notice is required for all proposed moves by custodial and noncustodial

parents in all cases when the proposed move involves a change of the primary residence for a period of at least sixty (60) days. The notice is not required to be filed with the court if a person's relocation will reduce the distance between the relocating and non-relocating person's home or will not result in an increase of more than 20 miles between the relocating and non-relocating parents' homes and allow the child to remain enrolled in the child's current school.

## **5. Withholding Support or Parenting Time.**

Neither parenting time nor child support shall be withheld because of either parent's failure to comply with a court order. Only the court may enter sanctions for noncompliance. A child has the right both to support and parenting time, neither of which is dependent upon the other. If there is a violation of either requirement, the remedy is to apply to the court for appropriate sanctions.

## **6. Enforcement of Parenting Time.**

### **A. Contempt Sanctions.**

Court orders regarding parenting time must be followed by both parents. Unjustified violations of any of the provisions contained in the order may subject the offender to contempt sanctions. These sanctions may include fine, imprisonment, and/or community service.

### **B. Injunctive Relief.**

Under Indiana law, a noncustodial parent who regularly pays support and is barred from parenting time by the custodial parent may file an application for an injunction to enforce parenting time under Ind. Code § 31-17-4-4.

### **C. Criminal Penalties.**

Interference with custody or visitation rights may be a crime. Ind. Code § 35-42-3-4.

### **D. Attorney Fees.**

In any court action to enforce an order granting or denying parenting time, a court may award reasonable attorney fees and expenses of litigation. A court may consider whether the parent seeking attorney fees substantially prevailed and whether the parent violating the order did so knowingly or intentionally. A court can also award attorney fees and expenses against a parent who pursues a frivolous or vexatious court action.

## F. Custody and Parenting Time During a Public Health Emergency

### Introduction

Existing court orders regarding custody and parenting time shall remain in place during a public health emergency and shall be followed. Parties should be flexible and cooperate for the best interests and health of the children during this time.

#### 1. School Calendar.

For purposes of interpreting custody and parenting time orders, the school calendar as published at the start of the academic year or as amended during the academic year, from each child's school shall control. Custody and parenting time shall not be affected by the school's closure during a public health emergency.

#### 2. Transportation.

Transportation for parenting time shall follow the provisions of the custody order or agreement unless such transportation is restricted pursuant to Executive Order.

#### 3. Temporary Modification.

If both parents and any other parties to their court case ("the parties") believe there is a reason to temporarily modify or change the terms of a custody or parenting time court order effective for the duration of a public health emergency and modification is not prohibited by the terms of their existing order, they may agree in writing to temporarily modify their existing order; however, the agreement must be filed and approved by the court to be enforceable. If the parties cannot reach a temporary agreement or do not remain in agreement, any party may file a petition to modify the existing order.

#### 4. Child Support.

Many county child support clerk's offices may be closed or not accepting payments in person. Existing court orders for child support payments remain in place and shall be followed. Child support payments can be made online, by telephone, by mail, and at other locations, as described on the Indiana Department of Child Services, Child Support Bureau website. Parents who are unable to make their full or any child support payments as a result of a public health emergency may file a petition to modify child support with the court.

## 5. How to file documents.

Agreements, petitions, or motions should be filed electronically, as documents sent by U.S. Mail or fax may not be reviewed as promptly by the judge. Filings with the court for a party represented by an attorney shall be made by the attorney.

### COMMENTARY

A parent's decision to forgo parenting time in order to protect the child's health and well-being or to insulate the health and well-being of household family members should not be considered a voluntary relinquishment of parenting time. If a parent is acting in a child's best interest due to dangerous conditions which make the exercise of parenting time unsafe, for example, during a global pandemic or due to dangerous travel advisories, and opts to forgo parenting time, a parent should be able to exercise "make-up" time in the future. The exercise of "make-up" time may not be feasible within 30 days of the missed time, depending upon the severity of those dangerous conditions and it may not be reasonable for "make-up" time to occur in a single block of time, if a significant period of parenting time was missed.

## Section II. Specific Parenting Time Provisions

Effective January 1, 2022

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### A. Introduction

The best parenting plan is one created by parents which fulfills the unique needs of the child and the parents. Parents should attempt to create their own parenting plan which is in the best interests of the child. If an agreement is reached, the parenting plan shall be reduced to writing, signed by both parties, and filed for approval by the court in order to be enforceable. When the parties cannot reach an agreement on a parenting plan, the specific provisions which follow are designed to assist parents and the court in the development of a parenting plan. They represent the minimum recommended time a parent should have to maintain frequent, meaningful, and continuing contact with a child.

For identification purposes, the following provisions set forth parenting time for the non-custodial parent and assume the other parent has sole custody or primary physical custody in a joint legal custody situation. These identifiers are not meant to diminish or raise either person's status as a parent.

#### COMMENTARY

Given the vast number of parenting plans which may exceed the minimum plan in these Guidelines and the particular needs and characteristics of each child and parent, it is impossible to impose any set of presumptions which will benefit almost all children and families.

The following is a list of factors which may be considered when determining whether a particular parenting plan exceeding the specific parenting time provisions herein is safe, secure, developmentally responsive, and, ultimately, in the best interests of the child.

This list is not all-inclusive, and not all factors apply to any particular set of parental relationships. The factors are not listed in any order of priority. The list is meant to provide a framework for parents and other decision-makers to evaluate the potential for a proposed parenting plan to provide for healthy and continuing parenting relationships and promote the best interests of children.



### **Factors Related to the Child:**

- The age, temperament, and maturity level of the child
- The child's current routine
- The child's response to separations and transitions
- Any particular physical, emotional, educational, or other needs resulting from the developmental stage or characteristics of the child

### **Factors Related to the Parent:**

- The temperament of each parent
- The "fit" of each parent's temperament with the child's temperament
- Each parent's mental health, including mental illness and substance use or abuse
- Each parent's sensitivity to the child's early developmental needs
- Each parent's capacity and willingness to be flexible as the child's needs change from day to day and over time

### **Factors Related to the Parent-Child Relationship**

- Each parent's warmth and availability to the child
- Each parent's ability to correctly discern and respond sensitively to the child's needs
- Each parent's past experience living with the child and caregiving history
- Each parent's caregiving interest and motivation
- Each parent's history of perpetrating child physical or emotional abuse or neglect

### **Factors Related to the Co-Parenting Relationship:**

- The parents' capacity and willingness to be flexible with each other as the child's needs get expressed in the moment and change over time
- The level and nature of conflict and/or domestic violence, including the history, recentness, intensity, frequency, content, and context (separation specific or broader)

- The parents' ability to compartmentalize any conflicts and protect the child from exposure to parental conflict
- The parents' ability to communicate appropriately and in a timely manner about the child
- The degree to which each parent facilitates contact and communication between the other parent and the child versus "gatekeeping" behavior intended to keep the other parent and the child apart
- The parents' capacity for cooperation about the child's developmental needs

### Environmental Factors:

- The proximity of the parental homes
- The parents' work schedules and circumstances
- The presence of extended family members or close friends that participate in caregiving
- The availability of additional child care if needed and economic resources available to pay for it
- The mechanics in place to transfer the child from one household to the other

## B. Overnight Parenting Time.

Unless it can be demonstrated by the custodial parent that the noncustodial parent has not had regular care responsibilities for the child, parenting time shall include overnights. If the noncustodial parent has not previously exercised regular care responsibilities for the child, then parenting time shall not include overnights prior to the child's third birthday, except as provided in subsection C. below.

## COMMENTARY

### 1. Assumptions.

The provisions identify parenting time for the noncustodial parent and assume that one parent has sole custody or primary physical custody of a child, that both parents are fit and proper, that both parents have adequately bonded with the child, and that both parents are willing to parent the child. They further assume that the parents are respectful of each other and will cooperate with each other to promote the best interests of the child. Finally, the provisions assume that each parent is responsible for the nurturing and care of the child. Parenting time is both a right and a trust and parents are expected to assume full responsibility for the child during their individual parenting time.

### 2. Lack of Contact.

Where there is a significant lack of contact between a parent and a child, there may be no bond, or emotional connection, between the parent and the child. It is recommended that scheduled parenting time be “phased in” to permit the parent and child to adjust to their situation. It may be necessary for an evaluation of the current relationship (or lack thereof) between the parent and the child in order to recommend a parenting time plan. A guardian ad litem, a mental health professional, a representative from a domestic relations counseling bureau or any other neutral evaluator may be used for this task.

### 3. Age Categories.

The chronological age ranges set forth in the specific provisions are estimates of the developmental stages of children since children mature at different times.

### 4. Multiple Children of Different Ages.

When a family has children of different ages, the presumption is that all the children should remain together during the exercise of parenting time. However, the standards set for a young child should not be ignored, and there will be situations where not all of the children participate in parenting time together. On the other hand, when there are younger and older children, it will generally be appropriate to accelerate, to some extent, the time when the younger children move into overnight or weekend parenting time, to keep sibling relationships intact.

## 5. Non-traditional Work Schedules.

For parents with non-traditional work schedules, who may regularly work weekends, weekday parenting time should be substituted for the weekend time designated in these rules. Similar consideration should also be given to parents with other kinds of non-traditional work hours.

## 6. Factors in Determining the Exercise of “regular care responsibilities”

(See Section B., C.2. and C.3. (Children under Three (3) years of age))

- The length of time the parents resided together with the child(ren)
- Overnights previously exercised by the parents prior to court involvement (ability to incorporate the status quo for the parents and child(ren))
- Medical conditions, developmental issues, and/or neurological disorders relating to the child(ren), and the history and experience of the parent in providing the care necessary for the child(ren)
- The parents’ provision of appropriate housing and sleeping arrangements for the child(ren)
- The frequency and involvement of the parent in the daily activities of the child(ren) such as feeding, cleaning, changing clothes and/or diapers, and bedtime routine, etc.
- Other factors affecting the regular care responsibilities of the child(ren)

## C. Infants and Toddlers

### 1. Introduction

The first few years of a child's life are recognized as being critical to that child's ultimate development. Infants (under eighteen months) and toddlers (eighteen months to three years) have a great need for continuous contact with the primary care giver who provides a sense of security, nurturing and predictability. It is thought best if scheduled parenting time in infancy be minimally disruptive to the infant's schedule.

## COMMENTARY

**1. Both Parents Necessary.** It is critical that a child be afforded ample opportunity to bond with both parents. A young child thrives when both parents take an active role in parenting. There is a positive relationship between the degree of involvement of mothers and fathers and the social, emotional, and cognitive growth of a child. Both parents can care for their child with equal effectiveness and their parenting styles may make significant contributions to the development of the child. Parents, therefore, must be flexible in creating for each other opportunities to share both the routine and special events of their child's early development.

**2. Frequency Versus Duration.** Infants and young children have a limited but evolving sense of time. These children also have a limited ability to recall persons not directly in front of them. For infants, short frequent visits are much better than longer visits spaced farther apart. From the vantage point of the young child, daily contact with each parent is ideal. If workable, it is recommended that no more than two days go by without contact with the noncustodial parent. A parent who cannot visit often may desire to increase the duration of visits, but this practice is not recommended for infants. Frequent and predictable parenting time is best.

**3.** Overnight contact between parents and very young children can provide opportunities for them to grow as a family. At the same time, when very young children experience sudden changes in their nighttime care routines, especially when these changes include separation from the usual caretaker, they can become frightened and unhappy. Under these circumstances, they may find it difficult to relax and thrive, even when offered excellent care.

**4.** When a very young child is accustomed to receiving regular, hands-on care from both parents, the child should continue to receive this care when the parents separate. Regardless of custodial status, a parent who has regularly cared for the child prior to separation should exercise overnight parenting time. When a parent has not provided regular hands-on care for the child prior to separation, overnight parenting time is not recommended until the parent and the child have developed a predictable and comfortable daytime care taking routine.

## 2. Parenting Time In Early Infancy. (Birth through Age 9 Months)

### (A) Birth through Age 4 Months:

- (1) Three (3) non-consecutive "days" per week of two (2) hours in length.

(2) All scheduled holidays of two (2) hours in length.

(3) Overnight if the noncustodial parent has exercised regular care responsibilities for the child but not to exceed one (1) 24 hour period per week.

## COMMENTARY

Parenting time should occur in a stable place and without disruption of an infant's established routine.

(B) Age 5 Months through Age 9 Months:

(1) Three (3) non-consecutive "days" per week of three (3) hours per day. The child is to be returned at least one (1) hour before evening bedtime.

(2) All scheduled holidays of three (3) hours in length. The child is to be returned at least one (1) hour before evening bedtime.

(3) Overnight if the noncustodial parent has exercised regular care responsibilities for the child but not to exceed one (1) 24 hour period per week.

### 3. Parenting Time in Later Infancy (Age 10 Months through Age 36 Months)

(A) Age 10 Months through Age 12 Months:

(1) Three (3) non-consecutive "days" per week, with one day on a "non-work" day for eight (8) hours. The other days shall be for three (3) hours each day. The child is to be returned at least one (1) hour before evening bedtime.

(2) All scheduled holidays for eight (8) hours. The child is to be returned at least one (1) hour before evening bedtime.

(3) Overnight if the noncustodial parent has exercised regular care responsibilities for the child but not to exceed one (1) 24 hour period per week.

(B) Age 13 Months through Age 18 Months:

(1) Three (3) non-consecutive "days" per week, with one day on a "non-work" day for ten (10) hours. The other days shall be for three (3) hours each day. The child is to be returned at least one (1) hour before evening bedtime.

(2) All scheduled holidays for eight (8) hours. The child is to be returned at least (1) hour before evening bedtime.

(3) Overnight if the noncustodial parent has exercised regular care responsibilities for the child but not to exceed one (1) 24 hour period per week.

(C) Age 19 Months through 36 Months:

(1) Alternate weekends on Saturdays for ten (10) hours and on Sundays for ten (10) hours. The child is to be returned at least one hour before bedtime, unless overnight is appropriate.

(2) One (1) "day" preferably in mid-week for three (3) hours, the child to be returned at least one (1) hour before evening bedtime, unless overnight during the week is appropriate.

(3) All scheduled holidays for ten (10) hours. The child is to be returned one hour before bedtime.

(4) If the noncustodial parent who did not initially have regular care responsibilities has exercised the scheduled parenting time under these guidelines for at least nine (9) continuous months, regular parenting time as indicated in section II. D. 1. below may take place.

## COMMENTARY

Parenting Time Guideline II. C. 3. (C) (4) is intended to provide a way to shorten the last age-based parenting time stage when the infant is sufficiently bonded to the noncustodial parent so that the infant is able to regularly go back and forth, and particularly wake-up in a different place, without development-retarding strain. If this is not occurring, the provision should not be utilized. The nine (9) month provision is applicable only within the 19 to 36 month section. Therefore, as a practical matter, the provision could not shorten this stage until the infant is at least 28 months old. The provision applies equally to all non-custodial parents.

## D. Parenting Time - Child 3 Years of Age and Older

### 1. Regular Parenting Time

- (a) On alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M. (the times may change to fit the parents' schedules);
- (b) One (1) evening per week, preferably in mid-week, for a period of up to four hours but the child shall be returned no later than 9:00 P.M; and,
- (c) On all scheduled holidays.

### COMMENTARY

Where the distance from the noncustodial parent's residence makes it reasonable, the weekday period may be extended to an overnight stay. In such circumstances, the responsibility of feeding the child the next morning, getting the child to school or day care, or returning the child to the residence of the custodial parent, if the child is not in school, shall be on the noncustodial parent.

### 2. Extended Parenting Time (Child 3 through 4 Years Old)

The noncustodial parent shall have up to four (4) non-consecutive weeks during the year beginning at 6:00 P.M. on Sunday until 6:00 P.M. on the following Sunday. The noncustodial parent shall give at least sixty (60) days advance notice of the use of a particular week.

### 3. Extended Parenting Time (Child 5 and older)

One-half of the Summer Vacation. The summer vacation begins the day after school lets out for the summer and ends the day before school resumes for the new school year. The time may be either consecutive or split into two (2) segments. The noncustodial parent shall give notice to the custodial parent of the selection by April 1 of each year. If such notice is not given, the custodial parent shall make the selection and notify the other parent. All notices shall be given in writing and verbally. A timely selection may not be rejected by the other parent. Notice of an employer's restrictions on the vacation time of either parent shall be delivered to the other parent as soon as that information is available. In scheduling parenting time the employer imposed restrictions on either parent's time shall be considered by the parents in arranging their time with their child.



If a child attends a school that has a year-round or balanced calendar, the noncustodial parent's extended parenting time shall be one-half of the time for fall and spring school breaks. Unless otherwise agreed to by the parents or ordered by the trial court, the noncustodial parent shall exercise parenting time the first half of school break in odd years, and the second half of school break in even years. Absent an agreement of the parties, the first half of the break will begin two hours after the child is released from the school, and the second half of the period will end at 6:00 p.m. on the day before school begins again. Summer Vacation should be shared equally between parents as provided in the paragraph above. Winter break-/Christmas vacation should be shared as provided in the Holiday Parenting Time Schedule.

If a child attends summer school, the parent exercising parenting time shall be responsible for the child's transportation to and attendance at school.

During any extended summer period of more than two (2) consecutive weeks with the non-custodial parent, the custodial parent shall have the benefit of the regular parenting time schedule set forth above, which includes alternating weekends and mid-week parenting time, unless impracticable because of distance created by out of town vacations.

Similarly, during the summer period when the children are with the custodial parent for more than two (2) consecutive weeks, the noncustodial parent's regular parenting time continues, which includes alternating weekends and mid-week parenting time, unless impracticable because of distance created by out of town vacations.

The selection of a parent's summer parenting time shall not deprive the other parent of the Holiday Parenting Time Schedule below. See Section II. F.

## E. Parenting Time For The Adolescent and Teenager

### 1. Regular Parenting Time.

Regular parenting time by the noncustodial parent on alternating weekends, during holidays, and for an extended time during the summer months as set forth in the Parenting Time Guidelines (Section II. D.) shall apply to the adolescent and teenager.

## COMMENTARY

### 1. A Teenager Needs Both Parents.

Adolescence is a stage of child development in which parents play an extremely important role. The single most important factor in keeping a teenager safe is a strong connection to the family. The responsibility to help a teenager maintain this connection to the family rests with the parents, regardless of their relationship. The parents must help the teenager balance the need for independence with the need to be an active part of the family. To accomplish this, they must spend time with the teenager. Parents must help the adolescent become a responsible adult. A teenager should safely learn life's lessons if the parents provide the rules which prevent dangerous mistakes.

### 2. Anchors of Adolescence.

Regardless of whether the parents live together or apart, an adolescent can be made to feel part of a supportive, helpful family. Things that can help this occur include:

#### **Regular time spent in the company of each parent.**

Parents need to be available for conversation and recreation. They need to teach a teenager skills that will help the teen in adult life.

#### **Regular time spent in the company of siblings.**

Regardless of personality and age differences, siblings who spend time together can form a family community that can be a tremendous support in adult life. If the children do not create natural opportunities for them to want to do things together, the parents will need to create reasons for this to occur.

#### **Emphasis on worthwhile values.**

Parent and teens together should invest time in wholesome activities that teach a teenager important lessons. If a teenager identifies with worthwhile values, the teen is more likely to have a positive self-image.

#### **Time spent with good friends.**

A parent's expectations can influence a teenager's choice of friends. Meet your teenager's friends and their parents and interact with them as guests in your home. This will

increase the likelihood that your teenager's friends will be people who are comfortable in the environment that is good for the teen.

### **Clear rules that are agreed upon by both parents.**

As a child matures, it is very important that the teen knows rules of acceptable behavior. The chances of this occurring are much better if both parents agree in these important areas. When parents jointly set the standard of behavior for their teen, the chances of the child accepting those values are greatly increased.

### **Good decisions/greater freedoms.**

A teenager who does what is expected should be offered more freedom and a wider range of choices. It is helpful if a teenager is reminded of the good decisions that have caused the teen to be given more privileges. If a teen is helped to see that privileges are earned and not natural "rights" he or she will be more likely to realize that the key to getting more freedom is to behave well. If rules are not followed, appropriate consequences should result. A teenager who does not make good use of independence should have less of it.

### **Good decisions/greater freedoms.**

A teenager who does what is expected should be offered more freedom and a wider range of choices. It is helpful if a teenager is reminded of the good decisions that have caused the teen to be given more privileges. If a teen is helped to see that privileges are earned and not natural "rights" he or she will be more likely to realize that the key to getting more freedom is to behave well. If rules are not followed, appropriate consequences should result. A teenager who does not make good use of independence should have less of it.

## **3. Decision Making In Parenting a Teenager.**

The rearing of a teenager requires parents to make decisions about what their teen should be allowed to do, when, and with whom. At the same time, parents who live apart may have difficulty communicating with each other.

If parents are not able to agree, the teenager, who very much wants freedom from adult authority, should never be used as the "tie breaker." When parents live apart, it is more likely that a child will be required to make decisions, not as a healthy part of development, but simply to resolve disagreements between the parents.

As a general rule, a teenager should be involved in making important decisions if the parents agree the opportunity to make the decision is valuable, and the value of that opportunity outweighs any possible harm of a poor decision. If the parents feel the welfare of the child is dependent on the decision made, and if they allow the child to make a decision simply because they cannot agree, the parents are in danger of failing the child.

### **Example #1**

Mary Jones and John Jones disagree as to whether or not their daughter, Sally, should study a foreign language in middle school. Mary feels that this early exposure to a foreign language will offer Sally an advantage when she continues this study in high school. John would like Sally to have the opportunity to develop her artistic talents through electives in drawing and painting. The Jones agree that Sally's success and happiness will in large part be determined by her motivation. They agree that Sally should decide between a foreign language and art, and that they will support whatever decision she makes.

**Comment:** Mary and John feel that Sally is mature enough to think about what interests her and makes her happy. They feel that an opportunity to do this in choosing an elective will be an important experience for Mary--more important than the relative merits of foreign language or art study to Sally's academic career. This is a good example of parents agreeing to involve the adolescent in making a decision that resolves their own disagreement.

### **Example #2**

Tom Smith and Sue Smith cannot come to a visitation agreement. Tom believes their 17 year old son, Pete, should have visitation at a time to be determined by Pete. Tom feels that, if Pete is given a visitation schedule, he will feel that he is being forced to see his father. Tom further believes this will weaken his relationship with his son. Sue believes a clear plan regarding the time Tom and Pete spend together should be established. She says if Pete is not given a firm expectation of when he will be with Tom, it will be too easy for other activities in Pete's life to crowd out this priority. Unable to resolve this question, Tom and Sue give Pete the option of deciding if he would like a visitation schedule or if he would like to be free to see his father whenever he pleases.

**Comment:** Tom and Sue each feel the quality of Pete's relationship with Tom will depend on the way that visitation is structured. Each believes that, if Pete makes the wrong choice, the problems that follow could impact him throughout his adult life. They have placed the responsibility for the decision on Pete, not because the chance to make such a

decision will help him, but because they cannot resolve the matter between themselves. This is a poor reason for entrusting an adolescent with such an important decision.

## 2. Special Considerations.

In exercising parenting time with a teenager, the noncustodial parent shall make reasonable efforts to accommodate a teenager's participation in his or her regular academic, extra-curricular and social activities.

### COMMENTARY

**Making Regular Parenting Time Workable.** Parents must develop a parenting plan that evolves or changes as the teen matures. The needs of the child at age thirteen will be very different from the needs of that same child at age seventeen. Parents also must develop a parenting plan that assures regular involvement of both parents. This can be a particular challenge when the teen is involved with school, activities, and friends, and becomes even more difficult when the parents live some distance apart.

When parents differ in their views of which freedoms should be given and which should be withheld, the parents must be sufficiently united to keep the teenager from assuming responsibilities when the child is not ready. At the same time, the parents must respect that they will run their homes differently because they are living apart.

Living apart challenges parents to teach their child that different ways of doing things can work for different parents. They must see that their child needs to work especially hard to adapt to two distinct ways of doing things. Not all differences mean that one parent is right and one parent is wrong. The key is for parents to realize different homes can produce a well-adjusted teen.

#### Example: The Student Athlete

Jim Doe and Jane Doe have been divorced for 3 years. Their oldest child, Jeremy, is beginning high school. Throughout his middle school years, Jeremy was active in football. Practices were held after school and games took place on weekends. Jeremy had spent alternating weekends and one night each week with his noncustodial parent. The parent who had Jeremy took him to practices and games during the time they were together. On

weeknights with the noncustodial parent, this usually consisted of dinner and conversation. Weekends with both parents included homework, chores, play, and family outings.

Jeremy's high school coach is serious about football. Jeremy loves the sport. Coach expects Jeremy to work out with teammates throughout the early summer. In August, practice occurs three times a day. Once school begins, Jeremy will practice after school for several hours each day. In addition, he is taking some difficult courses and expects that several hours of study will be needed each night. Jeremy will have games on Friday nights. Because of his busy weekend schedule, he expects that Saturdays will be his only time to be with friends.

## **Discussion**

On the surface, a traditional parenting plan, placing Jeremy with his noncustodial parent on alternating weekends and one night each week, would not seem to work. Jeremy's athletic and academic demands will require him to work hard on weeknight evenings. Jeremy's parents agree he needs time to be with friends and he should be allowed to make social plans on Saturdays. They recognize Sundays will often need to be devoted to homework projects which do not fit into the busy weekday schedule.

## **A Possible Solution**

Jeremy's parents want him to enjoy sports and have friends. Yet, they also want him to have the benefits of being actively raised by two parents. They want him to grow to become an adult who sees that balancing family, work, and play is important. They want to teach him how to do this.

Jeremy's parents have agreed to maintain their previous supervision plan. However, they have also agreed on some changes. Jeremy's noncustodial parent will come to the community of the custodial parent for midweek visitation. Regardless of how busy he is, Jeremy needs to eat. The noncustodial parent plans to take Jeremy to dinner at a restaurant that offers quick but healthy meals. They will spend the rest of the time at a local library where Jeremy can study. The noncustodial parent can offer help as needed or simply enjoy a good book. Jeremy's parents plan to purchase an inexpensive laptop computer to assist him when he works at the library.

Jeremy's parents plan that alternating weekends will continue to be spent with the noncustodial parent. They, like many parents of adolescents, understand Jeremy wants to be with his friends more than he wants to be with them. They recognize that, on weekends,

they are offering more supervision and Jeremy's friends are getting more time. Yet, they also see the need to help Jeremy establish active family membership as one of his priorities.

## F. Holiday Parenting Time Schedule

### 1. Conflicts Between Regular and Holiday Weekends.

The Holiday Parenting Time Schedule shall take precedence over regularly scheduled and extended parenting time. Extended parenting time takes precedence over regular parenting time unless otherwise indicated in these Guidelines.

Alternating weekends shall be maintained throughout the year as follows. If a parent misses a regular weekend because it is the other parent's holiday, it will be lost. If a parent receives two consecutive weekends because of a holiday, that parent shall have the third weekend also. Regular alternating weekends shall continue throughout the year.

### COMMENTARY

A parent may receive three (3) consecutive weekends due to a holiday. It is anticipated that missed weekends due to holidays will balance out for each parent given the alternating schedule for the holidays provided for in these guidelines.

When the court orders a change of physical custody, the court should consider whether the Holiday Schedule change should start at the beginning of the calendar year, at the beginning or the end of the child's school year, or immediately.

### 2. Holiday Schedule.

The following parenting times are applicable in all situations referenced in these Guidelines as "scheduled holidays" with the limitations applied as indicated for children under the age of three (3) years. If a child is three (3) years or older, but not yet enrolled in an academic child care program or educational facility, then the district school calendar of the district where the child primarily resides shall control for the purpose of determining holiday parenting time. If the parties equally share parenting time, then the district school calendar of the parent

paying controlled expenses shall be used to determine holiday parenting time. If a child is three (3) years or older and enrolled in an academic child care program or educational facility, then the program or educational facility's calendar where the child is enrolled shall control for the purpose of determining holiday parenting time.

#### **A. Special Days.**

[1] Mother's Day. With the child's mother from Friday at 6:00 P.M. until Sunday at 6:00 P.M.

[2] Father's Day. With the child's father from Friday at 6:00 P.M. until Sunday at 6:00 P.M.

[3] Child's Birthday. In even numbered years the noncustodial parent shall have all of the children on each child's birthday from 9:00 A.M. until 9:00 P.M. However, if the birthday falls on a school day, then from 5:00 P.M. until 8:00 P.M. The custodial parent shall have all of the children the day before each child's birthday from 9:00 A.M. until 9:00 P.M.; however, if such day falls on a school day, then from 5:00 P.M. until 8:00 P.M.

In odd numbered years the noncustodial parent shall have all of the children the day before each child's birthday from 9:00 A.M. until 9:00 P.M., however, if such day falls on a school day, then from 5:00 P.M. until 8:00 P.M. The custodial parent shall have all of the children on each child's birthday from 9:00 A.M. until 9:00 P.M.; however, if the birthday falls on a school day, then from 5:00 P.M. until 8:00 P.M.

[4] Parent's Birthday. From 9:00 A.M. until 9:00 P.M. with that parent, however, if the parent's birthday falls on a school day, then from 5:00 P.M. until 8:00 P.M.

[5] When the child's birthday falls within a Special Day, Holiday, or Christmas vacation, the child's birthday shall be celebrated with the parent having the child during that time period.

When the parent's birthday falls within a Special Day, Holiday or Christmas vacation, the Special Day, Holiday or Christmas vacation takes precedence.

#### **B. Christmas Vacation.**

The Christmas vacation shall be defined as beginning on the last day of school and ending the last day before school begins again. Absent agreement of the parties, the first half of the period will begin at 6:00 P.M. the day the child is released from school. The second half of the period will end at 6:00 P.M. on the day before school begins again.

Each party will receive one half (1/2) of the total days of the Christmas vacation, on an alternating basis as follows:



1. In even numbered years, the custodial parent shall have the first one half (1/2) of the Christmas vacation and noncustodial parent shall have the second one half (1/2) of the Christmas vacation.
2. In odd numbered years, the noncustodial parent shall have the first one half (1/2) of the Christmas vacation and custodial parent shall have the second one half (1/2) of the Christmas vacation.
3. In those years when Christmas does not fall in a parent's week, that parent shall have the child from Noon to 9:00 P.M. on Christmas Day.
4. No exchanges under this portion of the rule shall occur after 9:00 P.M. and before 8:00 A.M., absent agreement of the parties.

New Year's Eve and New Year's Day shall not be considered separate holidays under the Parenting Time Guidelines.

### C. Holidays.

The following holidays shall be exercised by the noncustodial parent in even numbered years and the custodial parent in odd numbered years:

- [1] Martin Luther King Day. If observed by the child's school, from Friday at 6:00 P.M. until Monday at 6:00 P.M.
- [2] Presidents' Day. If observed by the child's school, from Friday at 6:00 P.M. until Monday at 6:00 P.M.
- [3] Memorial Day. From Friday at 6:00 P.M. until Monday at 6:00 P.M.
- [4] Labor Day. From Friday at 6:00 P.M. until Monday at 6:00 P.M.
- [5] Thanksgiving. From 6:00 P.M. on Wednesday until 6:00 P.M. on Sunday.

The following holidays shall be exercised by the noncustodial parent in odd numbered years and the custodial parent in even numbered years:

- [1] Spring Break. From 6:00 P.M. the day the child is released from school on the child's last day of school before Spring Break, and ending 6:00 P.M. on the last day before school begins again.
- [2] Easter. From Friday at 6:00 P.M. until Sunday at 6:00 P.M.
- [3] Fourth of July. From 6:00 P.M. on July 3rd until 6:00 P.M. on July 5th.

[4] Fall Break. From 6:00 P.M. the day the child is released from school on the child's last day of school before Fall Break and ending 6:00 P.M. of the last day before school begins again.

[5] Halloween. On Halloween evening from 6:00 P.M. until 9:00 P.M. or at such time as coincides with the scheduled time for trick or treating in the community where the parent exercising parenting time resides.

### 3. Religious Holidays.

Religious based holidays shall be considered by the parties and added to the foregoing holiday schedule when appropriate. The addition of such holidays shall not affect the Christmas vacation parenting time, however, they may affect the Christmas day and Easter parenting time.

## COMMENTARY

Recognizing there are individuals of varying faiths who celebrate holidays other than those set out in the guidelines, the parties should try to work out a holiday visitation schedule that fairly divides the holidays which they celebrate over a two-year period in as equal a manner as possible.

## Section III. Parenting Time When Distance is a Major Factor

Effective January 1, 2022

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Where there is a significant geographical distance between the parents, scheduling parenting time is fact sensitive and requires consideration of many factors which include: employment schedules, the costs and time of travel, the financial situation of each parent, the frequency of the parenting time and others.

### 1. General Rules Applicable.

The general rules regarding parenting time as set forth in Section 1 of these guidelines shall apply.

### 2. Parenting Time Schedule.

The parents shall make every effort to establish a reasonable parenting time schedule.

#### COMMENTARY

When distance is a major factor, the following parenting time schedule may be helpful:

(A) Child Under 3 Years of Age. For a child under 3 years of age, the noncustodial parent shall have the option to exercise parenting time, in the community of the custodial parent, up to two five hour periods each week. The five hour period may occur on Saturday and Sunday on alternate weekends only.

(B) Child 3 and 4 Years of Age. For a child 3 and 4 years of age, up to six (6) one week segments annually, each separated by at least (6) weeks. Including the pickup and return of the child, no segment shall exceed eight (8) days.

(C) Child 5 Years of Age and Older. For a child 5 years of age and older who attends a school with a traditional school calendar, seven (7) weeks of the school summer vacation period and seven (7) days of the school winter vacation plus the entire spring

break, including both weekends if applicable. Such parenting time, however, shall be arranged so that the custodial parent shall have religious holidays, if celebrated, in alternate years.

If the child attends a school with a year-round or balanced calendar, the noncustodial parent's parenting time should be adjusted so that the noncustodial parent and child spend at least as much time together as they would under a traditional school calendar.

### 3. Priority of Summer Visitation.

Summer parenting time with the noncustodial parent shall take precedence over summer extracurricular activities (such as Little League, summer camp, etc.) when parenting time cannot be reasonably scheduled around such events.

### 4. Extended Parenting Time Notice.

The noncustodial parent shall give notice to the custodial parent of the selection by April 1 of each year. If such notice is not given, the custodial parent shall make the selection.

### 5. Special Notice of Availability.

When the noncustodial parent is in the area where the child resides, or when the child is in the area where the noncustodial parent resides, liberal parenting time shall be allowed. The parents shall provide notice to each other, as far in advance as possible, of such parenting opportunities.

## Section IV. Shared Parenting

Effective January 1, 2022

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### A. Introduction to Shared Parenting: An Alternate Parenting Plan

Many parents, who require a degree of separation in their personal relationship but wish for an organized sharing of responsibilities in their parenting relationship, find the Indiana Parenting Time Guidelines to be a helpful model. Some parents require less separation in their personal relationship and wish for a more seamless blending of child rearing practices in their two homes. The needs of these families may better be addressed by a model termed Shared Parenting.

In deciding whether or not a Shared Parenting plan meets the needs of their family, parents need to make a careful assessment of their family situation. The agreement and cooperation of the parents are essential elements of a successful shared parenting plan. In deciding whether or not to approve a Shared Parenting plan, judges need to conduct an independent inquiry to ensure the family meets standards predicting Shared Parenting success.

All Shared Parenting plans, by definition, make a deliberate effort to provide the child with two parents who are actively involved in that child's day to day rearing. As a consequence of an effectively implemented Shared Parenting plan, the child will spend time in the home of each parent as a resident, not a visitor. The home of each parent will be a place where the child learns, works, and plays. To effectively implement a Shared Parenting plan, each parent will need to do the work required to make his or her home a home base for the child.

The task of judging the capacity of parents for Shared Parenting is a complex one. The abilities of the individual parents and their ability to work together, the amount of work Shared Parenting would require of that unique family, and the costs to the child of both Shared Parenting and any alternative all require assessment. Successful Shared Parenting can insulate the child from most material and emotional losses which are frequently a consequence of parental separation. Unsuccessful Shared Parenting can accelerate the parental conflicts which are most predictive of emotional illness in children of separation / divorce.

## B. Two Houses, One Home

The feeling that one is “at home” requires a degree of comfort and an element of routine. When children are “at home” they generally know what is expected of them. The patterns of day to day life in the home are understood and taken for granted. In this respect, day to day life requires less work “at home” than it does in more novel situations. Children often feel more relaxed. They are free to devote more energy to other things.

The rewards to the child who can naturally feel “at home” in the residences of both parents are significant. Day to day living can be focused more on growth and development, and less on adaptation. The task of providing two residences with a degree of consistency that makes them both feel like “home” to a child can be a substantial one. It is normally more challenging for two people whose relational conflicts cause them to decide to live separately. Longer term, children are more likely to enjoy living with both parents if the costs of doing so are small. They are less likely to shift to one home base, and simply visit with the other parent, as the demands of their academic and social lives increase.

### COMMENTARY

#### Factors Helpful in Determining the Capacity for Shared Parenting

#### Factors Related to the Child

1. Characterize the amount of joint work required in the rearing of the child.

##### Considerations:

- The younger the child, the longer the period of time requiring joint work and the greater the number of decisions and accommodations required by the parents.
- Some children, from birth, are calmer and naturally better able to adapt to changes (easy temperament). Other children, from birth, naturally exhibit more distress in handling changes and daily discomforts (difficult temperament). These children require more time and more unified parental assistance in making transitions.
- Factors unique to the age and developmental needs of the child can require heightened degrees of accommodation on the part of parents. Examples include breastfeeding, time needed to develop special talents and interests, time needed to address educational limitations, and time needed for health-related therapies.

- Children with an established routine of being actively raised by both parents naturally need to make a smaller accommodation when transitioning to Shared Parenting. Children who have been raised by one parent predominantly can still benefit from Shared Parenting. However, the initial work required by the child to adjust to a routine involving both parents will be more substantial.

## 2. What is the ability of the child to benefit from Shared Parenting?

### **Considerations:**

- The younger the child, the greater the number of years the child can receive the benefits of being actively raised by both parents. A well-executed Shared Parenting plan can thus be of greatest benefit when put into place early in a child's life.
- What are the needs of the child (physical, educational, emotional, other) that are impacted by the separation / divorce of the parents? Will Shared Parenting facilitate the ability of the parents to address these needs post-separation / divorce?
- In what significant ways does the child engage in the community outside the family? Will Shared Parenting facilitate this engagement post separation / divorce?

## Factors Related to the Parent

1. What appears to motivate the parent to take specific positions with respect to the rearing of the child? Perception of the needs, feelings, and interests of the child? The needs, feelings, and interests of the parent? Perception of what is fair to the parent? Desire to comply with rules or agreements?

### **Consideration:**

- A parent motivated by interests, agreements, or rules which are shared with the other parent is more likely to see things as the other parent sees them. A parent who is motivated by personal interests, or a need to maintain fairness when faced with competing interests, is less likely to see things as the other parent sees them.

2. Does the parent show interest in the work of raising children? Examples include scheduling and attending appointments addressing educational or health-related needs, planning and sharing meals, engaging the children with extended family, athletics, or religious opportunities.

3. Does the parent have a generally peaceful relationship with the child?

### **Considerations:**

- Peaceful relationships do not require those involved to be highly similar or to be conflict-free.
- Peaceful living does require the ability to accommodate differences. For example, high energy children can be peacefully raised by lesser energy parents. The issue is one of accommodation. A lower energy parent may need to take steps to engage the high energy child in exercise activities outside the family.
- Peaceful living does require the ability to manage conflicts in a respectful way. Conflict erodes peace only when its expression causes pain and its resolution leaves that pain unaddressed.

4. Are there factors in the life of the parent which detract from the time and attention needed to perform the tasks of Shared Parenting? Examples include addictions, medical problems, other relationships, and employment requirements.

## Factors Related to the Parent-Child Relationship

1. What may the child gain from each parent if the parents have the high level of engagement necessitated by a Shared Parenting arrangement? Weigh that against what the child may gain from each parent if the parents have less engagement than that of parents who have adopted a Shared Parenting arrangement.
2. To what extent do either or both parents exhibit positive relational qualities such as warmth, availability, interest in the child, a shared positive history with the child, and an ability to discern the child's needs? Shared Parenting ensures a child access to those qualities.
3. Does a parent have a history which poses some risk to the child, such as a prior history of using cruel punishment or perpetrating child abuse, a model of parenting which does not require a sharing of responsibilities may provide an opportunity to dilute risk while maintaining parental access?

## Factors Related to the Co-Parenting Relationship

1. How do the parents manage disagreements regarding matters pertaining to the child? Does their interpersonal style allow them to maintain a working connection when they see things differently? Does their interpersonal style / history of previous wounds cause them to establish distance at times of differing opinion which may sever their ability to work together?



2. Is there a history of parental collaboration, even in the midst of conflict, which needs to be protected by a Shared Parenting plan, i.e., a structure which allows the collaboration to continue?

3. Is there a potential for ongoing gate-keeping which could potentially be dampened by a Shared Parenting order?

4. Would Shared Parenting undermine the mental health of either parent?

**Consideration:**

A history of abusive behavior generally discourages a recommendation for Shared Parenting. Other variations of protracted parental misbehavior which do not rise to the level of being abusive can be so corrosive as to impact the emotional health of a parent and significantly work against the best interests of the child. Examples of behavior with such potential include:

- the initiation of too frequent nonpurposeful text and email communication,
- the use of social media to criticize or embarrass the other parent, and
- violation of the reasonable physical boundaries that allow parents to lead separate lives.

5. Do parents respond to each other in a conscientious manner?

**Consideration:**

In order for Shared Parenting to feel comfortable, parents need to respond to each other with an implicit agreement regarding what constitutes timely response. Delays invite frustration and heighten the opportunity for negative interpretation. Parents who do not require a court to define “timely response” tend to be more in synch, and more motivated to collaborate. Parents who require a court to define “timely response” are less likely to have an innate talent for working together.

6. Is there a history of highly regrettable behavior?

- How is it best characterized? (recent / historic, addressed / unaddressed, involving both parents / just one parent, acknowledged by both / reported by just one)
- How is it best understood? (a means of controlling others, a chronic lack of emotional self-control, an isolated / circumstantial episode of emotional outburst)

7. Have the children witnessed regrettable incidents? Have they done so on an isolated or frequent basis?

**Consideration:**

When a marriage is disintegrating, children commonly witness isolated events of poor parental conduct that the parents themselves may not have been able to adequately anticipate. Parents who make serious mistakes can still effectively share the work of raising the children. Children who frequently witness regrettable incidents many times have parents who do not recognize the child's need for shielding early on and take corrective steps to minimize risk of witnessing future events. Divorce / separation can provide a shield for children who have witnessed regrettable behavior when their parents are together. The increased need for parental contact which comes with Shared Parenting could inadvertently undermine the shield.

8. Characterize the degree to which the child is aware of parental conflicts.

**Consideration:**

Most children whose parents separate are aware of parental conflict. Children whose level of awareness rises to the level where they experience worry regarding the instability of their home have generally not been adequately shielded from conflict. In general, parents who lack insight or personal control to establish shielding boundaries in a disintegrating relationship also lack the ability to take the perspective of the child. This perspective is necessary for high quality Shared Parenting.

9. Do the parents provide the children with evidence they like each other? For example, do they engage in social banter at exchanges, support the children in choosing gifts for the other parent, refer to the other parent as "mom" / "dad"? Do they deliberately encourage the child's love for the other parent? Do the parents provide the child with evidence they dislike each other? For example, do they show a lack of cordial conduct at exchanges? Do they maintain physical separation at public gatherings? Do they criticize clothing, food, recreational opportunities chosen by the other parent? Does a parent refer to the other parent negatively or with a lack of respect? Is there evidence a parent would tolerate a child's hostility or disrespect toward the other parent? For example, "You will form your own opinions of your mom / dad when you are older."

**Consideration:**

The ultimate goal of Shared Parenting is to promote the healthiest bond possible between the child and both parents. Parents who consistently demonstrate evidence

of valuing this bond for their child are most likely to commit to the work of Shared Parenting. Parents who show little evidence of valuing this bond are less likely to commit to the work that Shared Parenting requires.

## Environmental Factors

1. Can Shared Parenting increase the amount of actual time a child is cared for by parent?

**Consideration:**

Shared Parenting is less a model of parental residence and more a model of parental care. High quality Shared Parenting plans (as opposed to parenting time plans) are constructed around the time when each parent is normally available to be with the child-committing the hands-on time that builds bonds.

2. Does Shared Parenting save the family money / increase the financial stability of the child?

3. Does Shared Parenting drain resources of the family (money, time, work schedule accommodations) to so great an extent that other needs of the child are significantly sacrificed?

## Section V. Parenting Coordination

Effective January 1, 2022

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### A. General Provisions

1. Parenting coordination is a court ordered, child-focused dispute resolution process in which a Parenting Coordinator is appointed to assist high conflict parties by accessing and managing conflicts, redirecting the focus of the parties to the needs of the child, and educating the parties on how to make decisions that are in the best interest of the child.
2. A Parenting Coordinator is an individual appointed by a Court to conduct parenting coordination.
3. "High conflict parties" are parties who have had ongoing disagreements and conflict. The disagreements and conflict center on the parties' inability to communicate and resolve issues regarding the care of the child, a parenting time schedule, or any other issues that have adversely affected the child.
4. Nothing in this guideline limits, supersedes, or divests the court of its exclusive jurisdiction to determine issues of parenting time, custody, and child support.
5. These guidelines apply to all Parenting Coordinator appointments made after the effective date of the adoption of these guidelines and do not modify an existing parenting coordination order. These guidelines do not limit a party's right to file for modification under existing Indiana law.

### B. Qualifications

The Parenting Coordinator shall be a registered Indiana Domestic Relations Mediator, with additional training or experience in parenting coordination satisfactory to the court making the appointment. A Parenting Coordinator, as a registered Indiana Domestic Relations Mediator under ADR Rule 1.5, has immunity in the same manner and to the same extent as a judge.

## C. Appointment and Terms of Service

1. A Parenting Coordinator shall serve by agreement of the parties or formal order of the court, which shall clearly and specifically define the Parenting Coordinator's scope of authority and responsibilities.
2. Simultaneously with, or after entry of a Parenting time order, the court may with consent of the parties, or on its own motion, appoint a Parenting Coordinator when it is in the child's best interest to do so.
3. When the court on its own motion appoints a Parenting Coordinator without the consent of both parties, the order appointing a Parenting Coordinator must include a written explanation why the appointment is appropriate in the case.
4. A court order is necessary to provide the Parenting Coordinator authority under these guidelines to obtain information, and serve and make recommendations as specified in the order.
5. In cases where domestic abuse or domestic violence is alleged, suspected, or present, the appointment of a Parenting Coordinator may be contraindicated. If the court appoints a Parenting Coordinator in such a case, the person who is or may be the victim of domestic abuse or domestic violence should be fully informed about the parenting coordination process and of the option to have a support person present at parenting coordination sessions. Appropriate procedures should be in place to provide for the safety of all persons involved in the parenting coordination process. Procedures should be in place for the parenting coordinator to terminate a parenting coordination session if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.
6. In addition to the court order for Parenting Coordination, a written agreement between the parties and the Parenting Coordinator shall be used to detail specific issues not contained in the court order, such as fee payments, billing practices and retainers. The court has the discretion to apportion the fee between the parties absent an agreement.
7. The parties may agree on the length of appointment, but an initial term of appointment shall not exceed two years. For good cause shown, the court may extend the appointment of the Parenting Coordinator.
8. The court may terminate the service of the Parenting Coordinator at any time upon finding that there is no longer a need for the services or for other good cause. Good cause may include a finding that domestic violence issues or other circumstances exist that appear to compromise the safety of any person or the integrity of the process. The appointment may be terminated if further efforts by the Parenting Coordinator would be contrary to the best

interests of the child; the child has reached the age of majority; or the child no longer lives with a party.

9. The Parenting Coordinator may provide notice to the parties and the court of his or her intent to resign at any time. The court may approve the resignation and discharge the Parenting Coordinator without a hearing unless a party files a written objection within 10 days of the notice and requests a hearing.

10. No party may terminate the services of a court appointed Parenting Coordinator without an order of the court. Absent egregious abuse of discretion or a substantial and unexpected change in circumstances, no party may request a judicial review of the appointment within the first six months of the appointment. Nevertheless, the court may terminate the appointment of a Parenting Coordinator at any time.

11. After the initial six-month period, a party may petition the court for termination of the appointment. Upon a finding that the Parenting Coordinator has exceeded his or her mandate; has acted in a manner inconsistent with this guideline; has demonstrated bias; or for other good cause the court may terminate the appointment.

12. After the initial six-month period, the parties may jointly request the termination of the parenting coordination process or motion for the modification of the terms of the appointment. Modification or termination of the terms of the appointment may be entered by the court for good cause shown as long as the modification or termination is in the best interest of the child.

## D. Responsibilities of Parenting Coordinator

1. The role of the Parenting Coordinator includes: assessing the family and the litigation history; educating the parties as to the impact their behavior has on the child; facilitating conflict management; and assisting the parties in the development of parenting plans and alternative resolutions to other disputes.

2. A Parenting Coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the court.

3. A Parenting Coordinator may communicate with the parties, their counsel of record, the child or children involved, and the court. All communications shall preserve the integrity of the parenting coordination process and consider the safety of the parties and child. The Parenting Coordinator should adhere to any protection orders, and take whatever measures may be necessary to ensure the safety of the parties, a child and the Parenting Coordinator.

4. The Parenting Coordinator shall have the right to review documents that are pertinent to the parenting coordination process. The Parenting Coordinator shall request a release from the parties, or an order of the court, when necessary.
5. In the event the parties are not able to decide or resolve disputes on their own or with the suggestions of the Parenting Coordinator, the Parenting Coordinator is empowered to make reports or recommendations to the parties and the court for further consideration as set forth in section (E) below.
6. A Parenting Coordinator shall have no ex parte communications with the appointing court regarding substantive matters or issues on the merits of the case.
7. A Parenting Coordinator shall not offer legal advice.
8. A Parenting Coordinator has an ongoing duty to report any activity, criminal or otherwise, that adversely affects the Parenting Coordinator's ability to perform the functions of a Parenting Coordinator.
9. A Parenting Coordinator shall report child abuse or neglect as obligated by law.
10. A Parenting Coordinator shall inform the parties that the Parenting Coordinator will report any suspected child abuse or neglect and any apparent serious risk of harm to a family member or a third party to child protective services, law enforcement, or other appropriate authority.
11. A Parenting Coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.
12. A Parenting Coordinator shall not serve in multiple roles in a case that creates a conflict of interest. A person who has served as a Parenting Coordinator in a proceeding may act as a Parenting Coordinator in subsequent disputes between the parties. However, the Parenting Coordinator shall decline to act in any capacity except as a Parenting Coordinator unless the subsequent association is clearly distinct from services provided in the parenting coordination process. The Parenting Coordinator is required to utilize an effective system to identify potential conflict of interest at the time of appointment.
13. A Parenting Coordinator shall avoid any clear conflict of interest arising from any relationship or activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A Parenting Coordinator shall avoid self-dealing or associations from which the Parenting Coordinator may benefit, directly or indirectly, except from services as a Parenting Coordinator.

14. A Parenting Coordinator shall advise the appointing court and the parties of any potential conflict of interest, and of any action taken or proposed, to resolve the conflict. After the appropriate disclosure, the Parenting Coordinator may continue to serve with the written agreement of all parties. However, if a conflict of interest clearly impairs a Parenting Coordinator's impartiality, the Parenting Coordinator shall withdraw or be removed.

## E. Reports, Recommendations, and Court Action

1. A written agreement, which seeks to modify a court order, signed by the parties and the Parenting Coordinator shall be submitted to the court for consideration within twenty (20) days of the agreement being signed. Copies of the document submitted shall be provided to the parties and their counsel. There shall be no ex parte communication with the court.

2. A Parenting Coordinator's recommendations, which are not agreed to by the parties, may be submitted by the Parenting Coordinator as a written report to the court for consideration. The written report shall include an explanation as to how the recommended change is expected to benefit the family as a whole. The Parenting Coordinator's written report must contain a certificate of service which indicates that the Parenting Coordinator has sent a copy of the report to each party and their counsel.

3. Any party may file with the court and serve on the Parenting Coordinator and all other parties an objection to the written report within ten (10) days after the report is filed with the court, or within another time as the court may direct.

4. Responses to the objections shall be filed with the court and served on the Parenting Coordinator and all other parties within ten (10) days after the objection is served.

5. The court, upon receipt of a report and recommendation may take any of the following three actions.

a. If the court finds that time is of the essence, the court may approve the recommendation and immediately adopt it as an interim order of the court. However, if a party files an objection to the recommendation, the court shall set an expedited hearing to consider the recommendation and arguments of the parties in favor of and opposing the recommendation.

b. The court may reject the recommendation in whole or in part. However, if a party files an objection to the recommendation or objects to the court's rejection of all or part of the recommendation, the court shall set a hearing to consider the recommendation and arguments of the parties in favor of and opposing the recommendation.



c. The court may take no immediate action upon the recommendation. Upon the court's own motion or upon the request of any party, the court may set a hearing regarding the recommendation on the court's calendar.

6. The Parenting Coordinator shall submit a written report to the parties and their counsel at the completion of the Parenting Coordinator's services, and may also submit interim reports as appropriate.

7. All submissions to the court shall comply with the Rules on Access to Court Records.

## F. Confidentiality

1. Communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties or persons, and communications with the court, shall not be confidential except as provided by law.

2. Nothing in this Guideline is intended to create a privileged or therapist-client privileged communication.

# Appendix. Will Shared Parenting Work For You? Questions To Consider

Effective January 1, 2022

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Shared Parenting requires not just a sharing of time and responsibility for raising the child, but a conscious effort to create two homes that are highly unified when taking care of a child and making decisions for the child. The following questions should be seriously considered before deciding to work within a Shared Parenting agreement during the time that your child is being raised in your home.

1. Do you feel you have been thoroughly informed regarding all that is required of parents who practice Shared Parenting?
  - Do you understand all of the things a parent needs to do in one's own household and in coordination with the other parent's household when committing to Shared Parenting?
  - Do you understand what the court expects of parents who commit to Shared Parenting?
2. Do you feel all of your children would benefit from spending nearly equal amounts of time in the homes of both parents?
3. Do you feel you and your child's other parent make higher quality decisions when you make those decisions together?
4. Are there specific areas where one of you is better equipped to make decisions?
  - Do you and the other parent agree about this?
5. Are you willing to give greater weight or acknowledge the opinion of the parent with greater expertise?
6. Do you take steps to shield your child from disagreements?
  - Does the other parent take steps to shield your child from your disagreements?
  - Does your child believe you have significant disagreements in child-relevant areas?
7. Do you take steps to portray a positive relationship to your child?

- Does the other parent take steps to portray a positive relationship to your child?
- Does your child believe you and the other parent like each other?

8. Does the stress of working through differences with the other parent impact your daily life negatively?

9. Have you or the other parent relied on courts to resolve differences in this case?

10. Do you believe your child would be happiest in a Shared Parenting arrangement?

11. If other people assist you in caring for your child, do you believe they would willingly assist you in fulfilling the commitments of a Shared Parenting relationship?