

## EXHIBIT A

### 11<sup>th</sup> Judicial District Court SUPPLEMENTAL GUIDELINES FOR PARENTING PLANS

A powerful cause of stress, suffering, and maladjustment in children of divorce is not simply the divorce itself, but continuing conflict between the parents before, during and after the divorce. To minimize conflict over the children, the parents should agree on a parenting arrangement that is most conducive to the children having frequent and meaningful contact with both parents with as little conflict as possible. When parents' maturity, personality and communication skills are adequate, the ideal arrangement is reasonable visitation upon reasonable notice, since that provides the greatest flexibility. The next best arrangement is a detailed visitation agreement made by the parents to fit their particular needs and **more importantly, the needs of the children.**

If the parents are unable to agree, however, the following guidelines will help the parents in knowing what the presiding Judge in the Eleventh Judicial District believes are generally reasonable, unless special circumstances constitute criminal conduct. Unless these guidelines are incorporated in a Court Order, they are not compulsory rules, only a general direction for parents.

In the event visitation becomes an issue in Court, the Judge reserves the right to set whatever visitation schedule best meets the needs of the children in that case.

(A) CARE AND SUPERVISION: A parent who is designated residential parent or a parent having parenting time with the children, will provide the children: (a) regular and nutritious food, (b) clean and appropriate clothing, (c) sanitary and reasonably private living and sleeping quarters, (d) appropriate medical examinations and treatments, and (e) guidance and counsel in worldly and spiritual matters. Each parent will (f) train the children to obey and respect their teachers and the law, (g) require the children to attend all regular sessions of school until graduation unless excused for medical reasons, by the school or by the Court, (h) personally supervise and control the conduct and activities of the children except when they are at school, in known and usual recreational activities, or in the immediate care of another competent person. A parent will not (i) engage in or permit in the presence of the children any excessive drinking, obscenities, violence, immoral or illegal conduct, or any disrespect for law and order.

Each party will advise the other parent of (j) all school or police disciplinary contacts, (k) all

medical contacts and reports, (l) all other important developments in the lives and activities of the children including school grades, school year schedules, and activities such as plays, concerts, and parent-teacher conference times and dates.

Parents should establish the basic rules of conduct and discipline to be observed by both parents and step-parents, so that the children do not receive mixed signals.

**(B) RIGHT OF REASONABLE PARENTAL AND FAMILY CONTACT:** Unless otherwise provided, a party granted such right may have reasonable parenting time with the child or children, upon reasonable advance notice, at such times and as often as will not unreasonably interfere with the other party. The party having such right shall make arrangements for and provide a proper place to spend time with the children at a suitable location. **Reasonableness shall include consideration of the age of the children, the relative location of the residence of the parties, the mental and physical health and condition of the parties and the children, and any other factor of proper concern to the parties, the children and the Court ALWAYS KEEPING THE BEST INTERESTS OF THE CHILD in mind.**

Children will benefit from continued contact with all relatives and family friends on both sides of the family for whom they feel affection. Such relationships should be protected and encouraged. Relatives, like parents, need to avoid being critical of either parent in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. Usually the children will visit with the paternal relatives during times the children are with their father and maternal relatives when with their mother. Stability, continuity of care, and specific developmental aspects are important factors in determining parenting schedules. Generally overnight parenting time for infants and toddlers is not recommended unless the parent has truly been equally involved in the primary care. Older preschool age children (age's three to five) are able to tolerate limited separations from their primary caretaker. The general guidelines may not apply in instances where both parents have truly shared in the caretaking responsibilities and the child is equally attached to both parents, **however, in cases where there is a dispute, the guidelines must be followed pending further recommendations of Family Court Services or**

**further Order of the Court.** Therefore, when a parenting plan is not specified, the following **minimum** schedule will be implemented:

a) **Infants:** Birth to six months- three two-hour visits per week, with one weekend day for six hours. If an infant is being breast-fed, a six hour visit may not be feasible and the feeding schedule must be considered. Forcibly weaning a child, whether breast feeding or bottle feeding, during the upheaval of parental separation is not appropriate for the physical health or emotional well-being of the child. Until weaning has occurred without forcing, a nursing infant should have only a few hours parenting time away from the primary caretaker. A parent should not use breast feeding beyond the normal weaning age as a means to deprive the other parent of time with the child.

b) **Infants** - Six to eighteen months: Two, three-hour times per week, with one weekend day for six hours. If the child is still breast feeding the weekend time may need to be split into two, three hour time periods.

c) **Toddlers** - Eighteen to Thirty-six months: Two times per week for three to eight hours each time with the child returning to the other parent at least one-half hour before bedtime, on a predictable schedule with one overnight every other week.

d) **Preschoolers** - Three to Five Years Old: Two or three times per week for three to eight hours each time with the child returning to the other parent at least one-half hour before bedtime. One overnight visit (i.e., Saturday morning until Sunday evening) on alternate weekends.

e) **Age Five and Over.** The **minimum** reasonable parental contact is considered as follows:

\* Every other weekend from 5:00 p.m. Friday until 5:00 p.m. Sunday, depending upon whether or not Monday or Friday is a school holiday. Holidays are usually alternated, if the day prior to or following a parents weekend parenting time is a school holiday then that parent would have the children for that additional time.

\* One weekday evening from 3:30 p.m. until 8:00 p.m.

\* Alternating holidays, with a six (6) day period during the Christmas holiday.

\* Extended Summer visits:

Age six - four weeks.

Age seven - five weeks.

Over age eight - six to seven weeks.

*Special Note: Age Six to Twelve. School age children need to see the secondary caretaker one or more times each week, and seem happiest with several visits each week. Children this age will want their own things at each home, but will wish to take some things back and forth with them for their own security. At about age seven, a child can cope better with longer periods of parental contact during summer months because they understand about time, can count, and understand what a week or a month is. **The children's best interests are the primary consideration. Each child's maturity level should be considered when applying these guidelines.***

PARENTING TIME WITH TEENAGERS: Within reason the parents should honestly and fairly consider their teenager's wishes. Neither parent should attempt to pressure teenagers to make a decision adverse to the other parent. When appropriate, teenagers should explain the reasons for their wishes directly to the affected parent, without intervention by the other parent. **Occasionally** a teenager may wish to change the schedule if an arrangement interferes with an activity, however, consistent contact with both parents is still important and to be encouraged. When parenting time becomes an issue with teenagers the Court still has jurisdiction and the wishes of the teenager are only one factor the Court considers when determining best interests and amending prior parenting plans.

WHILE ACTIVITIES ARE NOT TO INTERFERE WITH PARENTING TIME, PARENTS ARE ENCOURAGED TO CONSIDER SPECIFIC ACTIVITIES WHEN MAKING PARENTING TIME ARRANGEMENTS.

PHONE CONTACT: Reasonable phone contact is usually considered two to three times a week; however, unlimited phone contact is encouraged in cases where no problems have developed. The purpose of phone contact is to ensure continued communication between parents and children and

is not to be used to elicit information about the other parent or any other inappropriate subjects. Nonverbal children or children just learning to talk are often too easily distracted and are limited in their ability to retain interest on the phone whereas, Junior High and High School age young adults will often have daily phone contact with the other parent.

When either parent intends to take the children out of town temporarily the other parent must be notified and an itinerary needs to be given to the other parent noting emergency numbers and contacts in addition to where and with whom the children will be staying. Phone calls should be initiated by the children with the assistance of the parent if necessary to ensure reasonable contact between parents and children.

**LONG INTERRUPTION OF CONTACT:** In situations where a parent has not had an ongoing relationship for an extended period, parental contact should begin with brief visits and a very gradual transition to the parental contact in these guidelines.

**This is the minimum parenting time. Additional parenting time is to be considered, encouraged, and implemented when appropriate, especially for parents living within two hundred miles of each other.**

**LONG DISTANCE PARENTING TIME:** The age, temperament, and developmental needs of the child are determining factors in long distance parenting time. If one parent lives further than two hundred miles from a child less than five years it is often best if parenting time is exercised in the area where the child lives primarily. At age five the child can begin to spend alternating holidays, alternating spring break, and extended summer visits of up to four weeks; at age seven- summer visits of five weeks; at age eight and over- summer visits of six to seven weeks.

**This is the minimum parenting time and additional parenting time is to be considered, encouraged, and implemented when appropriate.**

**(C) CONTROL OF PARENTING TIME:** Unless otherwise provided: (a) the person having parental contact may take the children to such reasonable places for reasonable activities as such person may determine; (b) the resident parent will have the children ready and available

promptly for all scheduled parenting times; (c) if advised in advance, the resident parent will provide the children with special and additional clothing as may be appropriate for the planned activities, to the extent such clothing is available; (d) in the event a child is invited or desires to participate in other activities which may interfere with parental contact, the resident parent will not encourage, permit or consent without previous approval of the person whose parenting time will be interfered with, and will not deprecate the denial of such approval; (e) the person entitled to parental contact may reasonably communicate with the children by mail or telephone and the resident parent shall not censor or monitor such communication; (f) the resident parent may not reduce or deny parenting time for failure or delinquency of support payments; (g) reasonable notice shall be given to the resident parent at all times as follows:

1) With reference to weekends:

- a) A specified schedule should be encouraged.
- b) In the event such cannot be accomplished due to the circumstances, then a one (1) week notice in writing in advance should be sent to the other person.

2) With reference to summer parenting time, notice must be mailed no later than April 15. This enables both parents to avoid possible conflicts, and to ensure recognition of the party entitled to parenting time for priority relative to the summer period.

3) With reference to the summer and holiday parenting time, the written notice shall include the following:

- a) Time that the children shall be picked up; and the time and date to be returned.
- b) Any special plans for the children, and where they will be staying during period.
- c) Any special type of clothing that might be necessary.
- d) Names of any and all persons who might be temporarily in charge of or supervising said children for such period.

4) Each parent shall provide to the other his or her current telephone number and mailing address and written notice in advance of his/her intent to move from that address and follow the procedure outlined below if the move will substantially affect the parenting arrangements.

Each parent shall provide to the other the physical address where the children live.

(D) CONTINUING JURISDICTION AND CHANGE IN RESIDENCE: This Court shall retain continuing jurisdiction over the parties of this action as to parenting arrangements and of the children. As required by Montana law (Statute 40-4-217): When parents are sharing in the parenting of a child, or at any time prior to the entry of a decree, and both parents reside in the Eleventh Judicial District, the Court will consider a change of the child's residence to a location outside the Eleventh Judicial District as having a significant effect upon the child's relationship to family members and others as well as adjustment to home, school, and community. A parent who intends to change residence shall provide written notice to the other parent and if the change will significantly affect the children's contact with the other parent, notice must be served personally or given by certified mail not less than thirty days before the proposed change in residence and must include a proposed revised residential schedule. Proof of service must be filed with the Court. Failure of the parent who receives notice to respond to the written notice or to seek amendment of the parenting schedule within the 30-day period constitutes acceptance of the proposed revised residential schedule.

In cases where both parents resided in the same community at the time of separation, and then one parent left the area, thus changing the pattern of parental contact, the Court will consider imposing the necessary travel costs on the parent who moved to facilitate future contact for the children. The Court will also consider other factors, however, such as the economic circumstances of the parents and the reasons prompting the move.

(E) CHILD SUPPORT ABATEMENT: Child support, once ordered shall not abate unless a Court Order otherwise provides. The only way child support can be changed is by Court Order. Parents cannot agree to a change in support without Court approval. The purchase of clothing, food or other necessities does not constitute a deduction from Court Ordered child support.

F) INJUNCTION: Each parent is enjoined from any intrusion upon the privacy of the other, from making any derogatory statements about the other to, or in the presence of, the children; from restricting or in any way interfering with the other's rights; and restrained from doing, or

attempting to do, or threatening to do, any act of injuring, maltreating, harassing, vilifying or molesting the other parent or any of the children.

(G) CONTEMPT: Violation of any of the Orders or directives set forth above in said Decree will be punished as a contempt of Court which can result in modification of the parenting plan, fine and/or incarceration.

(H) ENFORCEMENT: Either party having knowledge of a violation of this Order or said Decree may make application to the Clerk of the Court for a contempt hearing. The person making such application will be responsible for presentation of legal evidence in support thereof. The Clerk of Court will furnish such application upon request of either party. If an Order to Show Cause is issued, the party or parties concerned will be notified to appear and make answer thereto. A frivolous application will result in appropriate censure and sanction, including possible contempt hearing, loss of primary residential parenting or secondary residential parenting rights.

**THE FIRST QUESTION TO ASK YOURSELF IN ANY PARENTING DISPUTE IS, WHAT IS HONESTLY IN THE BEST INTEREST OF THE CHILDREN IN THIS SPECIFIC SITUATION? WHAT WILL SERVE THEIR NEEDS?**

*Interim Revisions 11-2013*