

# Advisory Guidelines - Standard Visitation Schedule with Forms

**WHEN PARENTS ARE UNABLE TO SHIELD THEIR CHILDREN FROM THEIR CONFLICT, OR WHEN THERE ARE SAFETY ISSUES RESULTING FROM DOMESTIC VIOLENCE, SERIOUS PHYSICAL OR MENTAL ILLNESS, CHRONIC NEGLECT, CHEMICAL DEPENDENCY OR ALLEGATIONS OF SEXUAL ABUSE, THE ADVISORY GUIDELINES AND VISITATION SCHEDULES NEED TO BE MODIFIED.**

## **A: INTRODUCTION:**

Pursuant to House Bill 2528, codified at 43 O.S. §111.1A, the Administrative Director of the Courts was tasked by the Oklahoma Legislature to develop standard visitation schedules and advisory guidelines. Assistance for this project was solicited from the Oklahoma Bar Association/Family Law Section....and an *ad hoc* committee was created.

Upon initial review, which greatly relied upon Doug Loudenback's survey work of visitation schedules<sup>1</sup> throughout the state, it became clear there is no clear consistent formula which controls parent/child relationships in family law cases across the spectrum.<sup>2</sup> Some may argue that there are simply too many variables to factor into a visitation schedule, which has as its end goal "the best interest of the child".<sup>3</sup> Others ask

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<sup>1</sup> This information is located on Mr Loudenback's web site in the Family Law Resources

<sup>2</sup> Current county-wide schedules (where they exist in either an official or a "typical" fashion), do not indicate any reasonable amount of consistency from county to county, or, upon occasion, within counties from individual judge-to-judge. This lack of consistency is reminiscent of child support orders prior to the adoption of the child support guidelines. While the Legislature has not yet deemed it desirable that there be some consistency, it might be reasonably inferred that the 2004 Legislation has at least some presupposition that the same would be desirable, even if not required. From a "legal" perspective, there doesn't appear to be a substantive rationale that parents and children should be treated differently from county to county, and, often, from judge to judge within the same county (noting that in some counties, e.g., Comanche, different judges have specific different schedules, presumably likewise true in Tulsa County which has no quasi-official standard at all). Aside from equal treatment issues, and getting down to the personal/family level, one obvious circumstance that calls for some uniformity is the fact that, following a large number of failed marriages, one and often both parents remarry and that the "new" families often involve multiple sets of step-parent circumstances within the same families. In other words, it is not uncommon, in a "current" context, that 4 parents are involved, including 2 pairs of "step parents", and 2 pairs of step children. In such circumstances, some semblance of uniformity would ordinarily be desirable given the blending of multiple sets of parents and children.

<sup>3</sup> 43 O.S. §111.1, 112, 112.2, 113. OBA/FLS Practice Manual, Chap 6.1, §6.1.7. *Guardianship of Sherle*, 1984 OK CIV APP, 683 P.2d 78 (visitation is to contribute to a child's emotional well-being by enabling the partial continuation of an earlier established relationship).

for a “statewide” standard visitation schedule. Some variables were unexpected, e.g. what to call contact with children. Discussion revolved around custody/visitation, custodial/non-custodial, parenting time and parenting plans. While the Committee's consensus was that courts should allocate *parenting time* between parents in family law matters, the phrase "visitation" was selected since no legislative change of language was directed.<sup>4</sup>

Prior to the adoption of 43 O.S. §111.1A, 43 O.S. §111.1 has required, since 9/1/1990, that, "Any order providing for the visitation of a noncustodial parent with any of the children of such noncustodial parent shall provide a specified minimum amount of visitation between the noncustodial parent and the child unless the court determines otherwise." Further, the history of that statute's modification is indicative of a policy to provide "more visitation" than such a "specified minimum amount" (beginning with and since the 1990 revision).

Some on the Committee believed that the objective of §111.1A is an unspoken assumption that at least some degree of uniformity from county-to-county, judge-to-judge, is desirable, if not the "goal" of this statute.

Nevertheless, the following principles were adopted and used for guidance by the Committee on this quest:

1. Children do best when both parents have a stable and meaningful involvement in their children's lives.
2. Each parent has different and valuable contributions to make to their children's development.
3. Absent a showing of harm, children should have structured, routine time as well as unstructured time with each parent.
4. Parents who can mutually agree on visitation schedules, and who can agree to be flexible, should be given a preference over court-imposed solutions.
5. Divorced/Separated Parents have inherent obligations towards their children, including:
  - avoiding open conflict with each other in the presence of their children;

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<sup>4</sup> For example, "divorce" became "dissolution of marriage" in 2002.

- helping their children maintain positive existing relationships, routines and activities;
- communicating and cooperating with each other in arranging children's activities;
- maintaining and sharing full and complete access to all medical and school records and maintaining direct contact with personnel working with or caring for their children;
- maintaining consistent rules and values in both households to create a sense of security for children of any age;
- allowing children to bring personal items back and forth between homes, no matter who purchased the items; and
- adjusting visitation schedules over time as each family member's needs, schedules and circumstances change.

To the extent that one's philosophical goals are different from those of the Committee, then disputes on the outcomes will exist. One concept seems certain: visitation schedules must necessarily be tailored to each family's dynamics; therefore, these criteria are only guidelines for each trial attorney and judge to consider in each case.

**B. STANDARD VISITATION SCHEDULE FOR CHILDREN UNDER THE AGE OF FIVE (5) YEARS.**

Psychological research-based information about the general needs of children at various stages of early years development is hotly debated. It was previously believed that infants formed a singular and exclusive attachment to one primary caregiver during the first year of life. Mental health professionals cautioned parents that disrupting this exclusive caregiver-child bond could cause lifelong adjustment problems. With this in mind, the notion of infant overnights away from the primary caregiver was rejected, without considering individual situations.

The most recent research now questions these notions. Now it is believed that infants form multiple and simultaneous attachments between six and nine months of age. In situations where both parents have been regularly involved with all aspects of caregiving and the child has formed an attachment to both parents, the previous restrictions on overnights should be reconsidered. After all, one objective to an infant parenting plan should be to help children forge a meaningful relationship with both parents. No research supports a given number of hours or days that children should spend with each parent.

Therefore, the key factor in creating an appropriate infant visitation schedule is to determine the ability and willingness of each parent [present and historical with this child] to learn basic care giving skills such as feeding, changing and bathing a young child; to diagnose and treat common infant illness; and to demonstrate the ability to maintain an infant's basic sleep, feeding and waking cycle.<sup>5</sup>

Further, other factors (beside parental responsibility and involvement) to consider include:

- age of child;
- parent work schedules; and
- geographical distance between parent homes.

Finally, fathers are just as capable of parenting infants as are mothers. It is not the sex of the parent that is the issue, but rather a parent's desire to be [and history of actually being] responsibly involved in the care and development of their child.

The following information is divided into age groupings based upon developmental norms. However, parents should remember that each child must be seen as an individual. Children develop at varying speeds, depending upon many things such as individual temperament, place in the family, and outside events that affect their lives.

## **0. Birth to Nine Months:**

Infants learn at a rapid rate. They learn to love and trust familiar caregivers. Infants attach to parents and others through consistent, loving responses such as holding, playing, feeding, soothing, talking gently and meeting their needs promptly.

Infants should have frequent contact with both parents – and a predictable schedule and routine. Infants have a very limited capacity to remember an absent parent, thus the *frequency of the contacts* is the focus of the first two time frames.

At about six months, infants begin to recognize their parents and other caregivers and within the next few months some may become uneasy around strangers. Infants trust regular caregivers to recognize their signals for food, comfort and sleep. Infants may become anxious and may experience eating and sleeping problems when they are with less familiar others.

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<sup>5</sup> In creating an infant visitation schedule, it is certainly appropriate to require a parent to attend and successfully complete a new born/infant parenting class as a way to measure his/her commitment.

Visits several times weekly with non-custodial parents is recommended for this age. These visits should provide ample opportunity for such care-giving functions as feeding, playing, bathing, soothing and putting the infant to sleep, whether for a nap or for the night. These visits will help non-custodial parents maintain and build familiarity between themselves and the infant.

If a non-custodial parent has not been involved in caregiving previously, short visits of several hours every few days will help to develop a mutually secure relationship, allowing the parent to master the tasks and sensitivity required to care for an infant. As the caregiving skills are mastered and the parent-child bond strengthens, the visitation should be expanded.

Non-custodial parents of children this age who have been active, involved caregivers may begin overnights, preferably in familiar surroundings.<sup>6</sup>

To develop a healthy attachment to both parents, an infant should not be away from either parent for more than a few days. Many infants demonstrate a caregiver preference. Extended separation from that primary caregiver should be avoided.

Lastly, communication between parents about the baby is essential for good infant adjustment. A daily communication log should be maintained and exchanged between the parents noting eating, sleeping, diapering, medicine schedules and any new developments.

### **1. Nine to Eighteen Months:**

Between the ages of nine and eighteen months, the transition from infant to toddler gradually takes place. There is great and rapid skill development, including motor accomplishments (crawling, standing and walking), communication from sounds and smiles to simple words, and beginning expressions of simple emotions (hugs, kisses, anger, fear and anxiety).

Predictability and consistency remain important. Babies can respond to multiple nurturing caregivers if there is sensitivity to their cues and needs, and regularity in their waking, eating and sleeping schedules. Babies may continue to express fear and anxiety if a familiar caregiver is not there to comfort them.

It is important for each parent to have the opportunity to:

- Participate in *daily* routines such as feeding, bathing, napping, playing;

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<sup>6</sup> Parents' schedules should be adjusted to limit disruption of the infant's routine. In creating visitation schedules for this age group, parents should consider the special needs of breast feeding infants. Breast pumping or supplemental formula alleviates the need for shortened visitation periods.

- Have *frequent contact* with the child. Separations of more than three or four days from either parent will interfere with a healthy attachment to that parent.
- Establish similar routines in each home by creating a communication log to be shared between the parents that describes the child's daily experiences.

When both parents are working outside the home and a child is with a third-party caregiver during the workday, parents should split the weekend and consider an additional one or two overnights with the non-custodial parent during the week as well as other mid-week contact. Although this is quite workable if the non-custodial parent was "hands on" with childcare<sup>7</sup>, parents should remain sensitive to the child's response to several caregivers and multiple transitions.

## **2. Eighteen to Thirty-six Months:**

This developmental period is one of rapid physical, emotional and social change. Toddlers are becoming more aware of the world around them. They may have formed attachments to caregivers (i.e. parents, grandparents, day care providers, close family friends). They are beginning to trust that their caregivers will meet their physical and emotional needs. They are becoming more independent and are developing the ability to comfort themselves (i.e. favorite blanket, toy or thumbsucking).

Healthy children of this age are "full of themselves" and may express their independence by saying "no" to requests and demands. Some children at this age may become fearful of separations, so that transitions between homes may be difficult. Some children may cling to a parent or cry at the separation from one or both parents. Resistance to exchanges is normal for many children. This behavior does not necessarily mean that the other parent is not a good parent or that the child does not want to be with one parent or the other.

If parents share driving, it is sometimes easier for children if the parent they are with drops them off to the other parent. This will avoid interrupting ongoing activities that sometimes occur when a parent comes to pick up the child, and it signals parental support for the transition. Maintaining routine schedules and supporting the relations with the other parent can make exchanges easier. *Toddlers are particularly sensitive to tension, anger and violence in the parental relationship.*

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<sup>7</sup> A new parent's family support is helpful to determine. If, on the one hand, a parent continually "dumps" the infant off on a grandmother, he/she may not be developing a strong bond with the child, establishing the necessary skill to recognize the child's signals for care, or mastering the tasks required in caring for a baby. On the other hand, having a grandparent in the background can provide a "safety net" while a new parent learns these skills.

It is important that each parent have the opportunity to become competent and comfortable in all aspects of the child's daily routine. This includes bathing, feeding, napping, playing, reading, and arranging age-appropriate activities with other children.

If a parent-child bond is developed due to mastery of caregiving skills, the overnights spaced throughout the week is preferable, particularly if dealing with an only child. Further, the child should be able to be away from either parent for two or three days. Depending upon the child's temperament, parenting may be shared on a reasonably equal basis.

Daily telephone contact at a regular time may be reassuring to both the child and the absent parent. It can be very helpful that as soon as children are old enough to memorize and dial a parent's phone number, they initiate the phone call to his/her other parent at scheduled times. Further, keeping a picture of the absent parent in the child's room is beneficial. Another option is to provide the child with a "going back and forth book" which contains pictures of both families, pets, important contact numbers and a calendar of events.

### **3. Three to Five years:**

Children in the pre-school years experience a tremendous number of developmental changes. Parents must adjust to accommodate their children's new development, while keeping in mind that pre-schoolers continue to require guidance and support.

Three to five year olds think they are the center of the universe. They tend to be impulsive and very concrete in their thinking. Nightmares are normal at this age as children become able to imagine frightening things, but have difficulty coping with their fears. They may say what they believe the parent wants to hear. It is important to remember that this does not necessarily reflect the child's real experience. If the child reports parental behavior that causes concern, discuss the matter with the other parent to resolve misunderstandings.

If one parent was minimally involved in the child's daily routine, a few days each week including a full weekend day will allow the relationship and caregiving skills to develop. As the child becomes more comfortable moving between two homes, additional time and one or two overnights may be added.

If both parents are working outside the home at the time of separation and the child is in day care, parents might consider splitting each weekend so the child has one full stay-at-home day and overnight with each parent every week, as well as some weekday contact. While this may not be the best solution for the parents, it is helpful to many young children in the early stages of separation.

If one parent is primarily at home with the child, the visitation schedule may offer the other parent more weekend time, in addition to some weekday contact.

Some parents may find that an every-other-weekend schedule with midweek contact works well.

### **C. STANDARD VISITATION SCHEDULE FOR CHILDREN FIVE (5) THROUGH SEVENTEEN (17) YEARS.**

#### **0. Weekend time sharing:**

Visitation for this age of child should generally not interrupt the regular school hours of the child.<sup>8</sup> Further, most the work schedules of most parents coincide with their children's school schedules, i.e. Monday - Friday. Therefore, for most parents quality parenting time is devoted to evenings and weekends. Current visitation schedules in use define weekends as either:

1. Limited, i.e. Friday at 6:00 pm to Sunday at 6:00 pm ("limited weekend"),  
or
- 2 Expanded, i.e. Friday after school or day care until Monday morning return to school of day care ("expanded weekend").

Both concepts have merit. However, factors such as:

- age of child;
- parent work schedules, and ability to be with the child after school;
- geographical distance between parent homes;
- parental responsibility, involvement, etc.

can dictate which weekend scheme is best to use. All things being equal, the expanded weekend is preferred, for it allows additional parent/child time and involvement by the parent who has visitation. Further, it creates a mechanism for "conflict free" exchanges - because the parents do not have to be "face-to-face" at the visitation exchange place.<sup>9</sup>

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<sup>8</sup> With virtually every statement concerning children, there are exceptions. For example, it's generally not the "end of the world" if occasionally a visitation occurs that requires an early departure from school. How many married parents, for example, have removed a child early from school to begin a long holiday trip? However, if the child is failing a school subject then generally parents try not to further impact the child by having him/her miss school time in their struggling subject.

<sup>9</sup> This is not to say that school/day care visitation exchanges are always "conflict free". A parent at any time can make any child visitation exchange a conflict. When that happens, the Court should take

However, if a parent's work schedule (i.e. work begins at 5:00 am) or geographical distance (i.e. parent lives 50 miles from school) creates a difficulty, then a Sunday evening return time is best. Lastly, if a parent demonstrates irresponsibility or lack of involvement, ( i.e. unable to complete homework on his/her weekend, unable to prepare and/or timely return the child to school on time Monday morning, etc.) then a Sunday evening visitation return will probably operate in the child's best interest.

All current visitation schedules provide for alternating weekend sharing between parents. Some schedules provide further clarity by stating the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> weekends in a month will be visitation weekends for the non-custodial parent. Under this type of wording, virtually anyone can look at a calendar and tell you who has which weekend with the children.

When a parent's work schedule is such that he/she does not have weekends off work, then it is recommended that visitation, as much as possible, be structured around both the children's school schedule and the parent's particular work schedule.

Lastly, in using the limited weekend schedule, there is nothing magical about 6:00 p.m. exchange times. Exchange times should be established factoring in children ages, family practices and activities, geographical distance, etc. For example, if a child is involved in Sunday evening activities, (i.e. youth activities at church; Sunday evening family dinners; Sunday night banjo practice, etc.) then Sunday evening exchanges may well occur after the activity is concluded, instead of at 6:00 p.m. so that the parent exercising visitation may participate in that activity of the child. Likewise, if a custodial parent is involved in a Sunday evening bowling league, then it may make sense to structure visitation exchanges upon completion of bowling.

Further if one parent is chronically late in making exchanges, then picking up children directly from Sunday evening activities (i.e. at the conclusion of banjo practice) avoid this point of frustration.

### **1. Midweek time sharing:**

Most current visitation schedules do not provide for midweek visitations. However, that is not to say they do not exist. Some courts will provide for midweek visitation and call their schedules "expanded visitation". As with weekends, midweek visitation have been defined as either:

1. Limited, i.e. Wednesday from 5:30 pm to 8:30 pm ("limited midweek"), or

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corrective actions to stop. Further, "conflict free" exchanges can occur by other means, i.e. using a child visitation registry facility or police department. However, children are perceptive and can wonder why they have to go through a "Checkpoint Charley hostage exchange". Further, the parties can facilitate a staggered child exchange outside of a school or day care setting, e.g. Father drops off at 5:30 pm and Mother picks up at 6:00 pm at an extended family member's home.

- 2 Expanded, i.e. Wednesday after school or day care until Thursday morning return to school or day care ("expanded midweek").

Both concepts have merit. Again, factors such as:

- age and maturity of child;
- school and parent activities;
- parental cooperation and communication;
- parent work schedules;
- geographical distance between parent homes;
- parental responsibility, involvement, etc.

can dictate if and if so, which midweek scheme is best to use.

Limited midweek visitations can provide frequent and continuing contact for parent and child. For a younger children who simply "misses" the other parent due to the length of time between visitations, a limited midweek visitation may be very helpful. A midweek visitation could be centered around an activity, e.g. Mother and son attending Tuesday evening Taekwondo class or Father and daughter attending Wednesday evening church activities, etc.

Further, midweek visitations can be helpful in reunification plans or in multiple children families, for it can allow activity-focused interaction between parent and child, i.e. Wednesday evening dinner between father and daughter ... where both may feel awkward in filling the time otherwise, or allow the non-custodial parent an opportunity to have "one-on-one" time with a child each week.<sup>10</sup>

Generally, if midweek visitation is authorized, it falls on a Tuesday, Wednesday or Thursday. While there is nothing to prohibit different midweek visitations, e.g. every Tuesday and Thursday evening or Tuesday one week and Wednesday the next, such variations can require extreme communication and coordination efforts between parents, as well as cause confusion and uncertainty for children, i.e. unsure which parent is picking up from school or day care, which parent is involved in what extracurricular activity, which set of friends they can play with at night, etc.

The benefits of an extended midweek visitation are the same as for extended weekend visitations. However, there is a further significant factor that can dictate the use of an extended midweek visitation or the willingness of a court to order it or a parent to participate in it -- **MONEY**. Often under a standard visitation schedule, the inclusion of an extended (overnight) midweek visitation will create a shared parenting deviation from the child support guidelines. 43 O.S. § 118(E)(10). This result can have significant economic impact on child support obligations, which is why some non-custodial parents seek to have expanded midweek visitations and why custodial parents generally oppose them. The impact of the shared parenting deviation to the child support guidelines is beyond the scope of this task. Therefore, other than to identify this obstacle, it will not be addressed further.

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<sup>10</sup> Further, this type of arrangement could also be very beneficial when there are multiple children having extreme differences in ages or interests. For example, a teenage child may not be interested in going to a "Wiggle" concert or movie with his/her four (4) year old sister.

## 2. Differing geographical residences:

Most current visitation schedules do not provide for long distance visitation. Those that do, i.e. Grady County, Jackson County, Kay County, Kingfisher County and Logan/Payne Counties, are not consistent with what triggers long distance. In some schedules it's 100 miles; in others, it's 300 miles or "out of state". These types of definitions are not particularly helpful. In reality, the significant factors in a long distance visitation schedule are:

- where each parent lives;
- mode of travel and the expenses involved;
- where visitations occur;
- age and maturity of child;
- parental cooperation and communication; and
- parent work schedules;

First, it should be noted that 43 O.S. § 112.3 *et. seq.* requires that if the principal residence of the child changes over seventy-five (75) miles for a period of sixty (60) days or more, either an express agreement between the parents or approval by the court is required. Therefore, if a specific mileage distance triggers a long distance visitation schedule, logic would suggest making the defining distance 75 miles. However, where each parent lives and the mode of visitation travel are the key factors. For example, if one parent lives in the Oklahoma City, OK area and the other parent lives in the Dallas/Ft Worth, TX area, an alternating weekend visitation schedule could be maintained by having the parties meet halfway (Ardmore, OK) or allowing the children to fly between Oklahoma City and Dallas. However, if one parent lives in Boise City, (Cimarron County) and the other parent lives in Miami, (Ottawa County) Oklahoma, then an alternating weekend visitation schedule probably will not be feasible -- for there is no good way to get from "here to there". Thus travel time for both parents and children is the factor to consider in determining if a Long Distance Visitation schedule should be considered and if so, what types of visitation times are available -- in order to make the trip worthwhile.

Mode of travel will also be a major factor in creating long distance visitation schedules. Based on the age, comfort level of both children and parents, and possible cost of tickets for a travel companion of a young child, air travel can be a major factor in making frequent and continuing contact between parents and children possible.

Another factor to consider in whether or not to create a long distance visitation schedule is "where will the visitations occur". For example, parties grow up and get divorced in Woodward, (Woodward County) Oklahoma. They have a five year old whose custody is awarded to Father. Mother relocates to Denver, Colorado for employment purposes. Mother desires alternating weekend visitation with child and is willing to return to Woodward every other weekend to see her son and stay with her family. Simply because the parents reside more than 75 miles apart and that no convenient transportation methods exist between the parents home, these factors by themselves do not justify prohibiting an alternating weekend visitation schedule.

The age and maturity of a child (as well as any special needs a child may have) all factor into how well a child travels. The better a child travels, the easier it should be to allow increased contact between non-custodial parent and child and *vice versa*.

When long distance travel is necessary for the continuation of a parent/child interaction, parental cooperation and communication is essential in the planning, preparing and execution of the visitation exchange. Provisions should be incorporated regarding the planning and exchanging of information. If half-way travel exchanges are intended, then clarity of meeting place (hopefully with phone number), timing and contingent plans should be clear. Parents, for example, should know each other's cell phone numbers in order to communicate progress or problems. If airplanes are being used for transportation, then tickets should be acquired sufficiently in advance to avoid economic waste; flight information needs to be exchanged; the children's bags properly packed, etc. Long distance visitation plans should have provisions for parents to communicate (i.e. non-custodial parent to notify if not able to exercise visitation).

Specific times for telephone visitation between parent and children should be defined. Further, depending upon the economics and abilities of the parents or children, web based communications (i.e. e-mail or web cam) should be considered.

### **3. Holidays, including Friday and Monday holidays:**

All current "standard" visitation schedules provide for the alternation of holidays. Keys in establishing a holiday visitation schedule are:

- clearly identifying what "holidays" are being considered;
- age and maturity of child;
- parent work schedules; and
- family traditions.

Current visitation schedules differ greatly on what holidays to identify and alternate between parents. Identifying certain "3-day holidays" like Easter, Memorial Day, Labor Day to alternate between parents can create a situation wherein one parent or the other has several weekends in a row with the children.<sup>11</sup> To avoid this type of outcome, some visitation schedules currently eliminate these holidays from rotation and let them fall, absent an agreement to the contrary, to the parent who is regularly scheduled to have the children that weekend.

Hopefully, parent work schedules and family traditions are factors the parties can consider in creating a holiday visitation schedule. Some families may attach certain significance to certain holidays. For example, if Father's family always has a family reunion on Labor Day, then this family tradition should be factor into a visitation schedule.

As with the discussions regarding limited and expanded weekends, *supra*, if otherwise appropriate, including Friday and Monday federal and state holidays, as well as school holidays (i.e. when school is out) in the weekend of a non-custodial parent allows for opportunities to take "mini" trips or otherwise plan for extended weekends together, without interruption.

### **4. Summer vacation break:**

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<sup>11</sup> This occurs because holiday visitation supercedes regular visitation.

All current visitation schedules provide for some type of extended visitation in the summer for the non-custodial parent. Most require the parent to select their visitation time by a date certain (in order to assist with the scheduling of summer activities). Absent some question of parental responsibility or involvement with the children, the summer vacation break should be equally divided between the parents. However, when the non-custodial parent lives a significant distance from the custodial parent, eliminating more frequent contact, court often award more than half of the summer to the non-custodial parent.

#### **5. Midterm school breaks:**

Many current visitation schedules provided for the alternating of a midterm school break (usually “Spring Break”) between the parties. Some schedules provide for both “Spring Break” and “Fall Break” rotation between the parents. Based on the school calendar where the child attends school, Spring Break is generally a five (5) day [Monday - Friday] length of time when there is no school. Some visitation plans incorporate either a weekend before or after the five day break to establish a seven (7) day Spring Break. Others add the weekends on both ends and create a ten (10) day long Spring Break. Any definition is acceptable, since whatever benefit or detriment that occurs to one parent in one year will be switched and enjoyed by the other parent next year. However, with a Spring Break defined as being ten (10) days long, it is possible that a parent could have the children for every weekend during the Spring Break month – typically March. Nevertheless, in a long distance visitation schedule (especially, where child visitation with the non-custodial parent is limited) a definition of Spring Break lasting for ten (10) days, could allow – or “justify” the exercise of infrequent, but expanded visitation.

#### **6. Notice requirement and reasons for cancellations:**

One of the best things parents can do to ensure successful child visitation is to be on time and have children ready at exchange time. Failure to accomplish this goal often results in frustrated parents and heated verbal confrontations in front of children. Most parents would agree that scheduled visitations should occur within a reasonable period of time from when they are scheduled. A reasonable period of time has been defined by some courts as within “20 or 30 minutes”. Nevertheless, when delays or emergencies occur, parents should treat each other with respect and provide notice of delays or cancellations, as soon as possible. Since cell phones are common today, both parents should have each other’s cell phone numbers in order to communicate in a timely fashion about visitation exchange matters. It should be assumed that if a visitation exchange has been ordered by the court, it will occur. Thus, notification should be directed to delays and/or cancellations, not confirmations that an exchange will occur.

If one parent consistently demonstrates a disregard for timely visitation exchanges or fails to appear altogether, then such matters can be addressed to the court for correction.

Reasons for cancellations of visitation should be limited to impossibilities of performance by a non-custodial parent and/or acute illness of a child. Some reasons for cancellations could be an emergency requirement of the non-custodial parent’s

employment, transportation problems of a non-custodial parent, or health or illness matters in the non-custodial parent's family or home. For example, if on the way to a visitation, the non-custodial parent is involved in an automobile accident, it is unlikely the child visitation can occur as scheduled. Or, if a child in the non-custodial parent's home has a contagious illness, it would certainly be inappropriate to expose other children.

However, while these same reasons may justify a custodial parent's failure to accomplish a visitation exchange, visitation cancellations should be the decision of the non-custodial parent, not the custodial parent. After all, visitation is a significant time/event for most non-custodial parents. It is their time with their children. Accordingly, the non-custodial parent should determine if a visitation shall occur.

#### **7. Transportation and transportation costs, including pick up and return.**

Options on who provides visitation transportation and associated costs are:

- non-custodial parent does all travel;
- custodial parent does all travel; or
- travel is allocated between parents.

Few current visitation schedules discuss transportation expense allocation. However, a general rule of thumb is for the receiving parent to pick up. This practice places the burden of transportation on the parent wanting to see his or her children. Therefore, if a non-custodial parent wants to exercise visitation, he/she becomes responsible for the transportation necessary to pick up the children to begin visitation. In an expanded weekend schedule, this translates into the non-custodial parent making arrangements to pick up children from school or day care to begin visitation. Likewise, if a custodial parent wants his/her children to return home at the conclusion of a visitation, then he/she becomes responsible for their return. Implicit in this rule of thumb is that visitation transportation occurs from each parent's home. This type of arrangement has the additional benefit of not making a former spouse the "taxi" or "courier" for the other parent. Such a perceived arrangement can create hostility between parents and otherwise cause visitation compliance problems.

In long distance schedules, visitation transportation costs are often proportionately divided between the parties based on a percentage of gross income, such as employment related child care and uncovered medical expenses for children. In some cases, arguments can be made that the parent who moves away should bear the expense of long distance visitation transportation. After all, the relocating parent is the one creating the burden. However, in other cases where the move cannot be avoided, the costs of visitation may be viewed as an incidental part of having parents living in separate homes. Thus, a logical conclusion is to allocate the visitation costs between both parents.

Finally questions can arise over who can provide visitation transportation. Some parents want only the other parent to provide transportation. In most situations, the preferred view is that any responsible person (who has a valid driver's license and proper child restraint in the vehicle) with whom the child knows and is comfortable may provide visitation transportation for a parent. Such persons could be extended family, step-parents, family friends and neighbors.

## **8. Religious, school and extracurricular activities:**

Current visitation schedules do not address religious, school and extracurricular activities. Generally, these decisions reside with the custodial parent. No court can compel a parent to take their children to specific religious activities or prohibit them from occurring, without a showing of specific harm. Which school the child attends and whether or not to home school are left with the custodial parent to decide. *Stephen v. Stephen*, 1997 OK 53, 937 P.2d 92.

Finally, regarding extracurricular activities, parents should not make any arrangements or commitments for their children that will involve the other parent's time, effort, or expenses without first obtaining agreement from the other parent. Accordingly, parents, as much as possible, should discuss all children's activities, social functions, religious events, sports activities, etc., with the other parent before enrolling, signing up or otherwise taking any action.

## **9. Grandparent and relative contact:**

Children benefit when both parents support contact with the children's grandparents and other extended family so the children do not experience a sense of loss. Such contact for a parent's family generally occurs when he/she has parenting time with their children. Current grandparental visitation rights are controlled by statute (10 O.S. 5) and by case law. *Troxel v. Granville*, 530 U.S. 57, 65 (2000) and *Neal v. Lee*, 2000 OK 90, 14 P.3d 547.

## **10. The birthday of the child:**

Current schedules do not address a child's birthday. Factors to consider when addressing a child's birthday are:

- age of child;
- family traditions;
- geographical distance between parents; and
- interaction between parents.

Ideally, children's birthdays should be celebrated by the parents together, if possible. However, in many situations that is not an option. The next best option would be for the child to be able to celebrate his/her birthday with each parent in relatively close proximity to the birthday. Lastly, if birthday celebrations are significant to each parent, then the child's birthday can be rotated between the parties like a specific holiday.

## **11. Sibling visitation schedules:**

Specific sibling visitation is controlled by statute. Title 10 O.S. § 5A sets forth specific factors to consider in determining if sibling visitation is appropriate. Further, in multiple children families, generally it is appropriate to determine what other visitation

schedules exist for half and/or step-children in order to coordinate schedules so that all children can be together at one time in a parent's home.<sup>12</sup> Otherwise, all children within the same family unit may have few opportunities to interact with each other.

## **12. Special Circumstances, including, but not limited to, emergencies:**

Emergencies, by their very nature, are rare occurrences. When they occur, most parents give great deference to the parent "in crisis" and seek to find alternatives to allow parent/child interaction, as possible. However, "emergencies" are often used to justify withholding access to the child. This type of conduct should not be condoned by the courts.

Other special circumstances may include a parent's birthday, family traditions and practices. Both parties may want to ensure that certain practices are maintained, e.g. annual family trip with grandparents, fishing tournaments or hunting trips. A good way to ensure child access to parent birthdays, family traditions and practices is to include such customs and events in the child's visitation schedule.

Lastly, special considerations should be given to each parent to make the child available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with the visitation schedule.

## **13. Other Standards:**

Parents should always avoid speaking negatively about the other and should firmly discourage such conduct by relatives or friends. In fact, the parents should speak in positive terms about the other parent in the presence of their children.

Each parent should encourage the children to respect the other. Children should never be used to spy on the other parent.

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.

Parents should keep each other advised of their home and work addresses and telephone numbers. As much as possible, all communication concerning the children should be conducted between the parents in person or by telephone at their residences and not at their places of employment.

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<sup>12</sup> Such an arrangement presumes that all children within the family get along with each other. Certainly, it is possible that children can despise each other so that they should not be together.

Parents should communicate independently with the school(s) and with the children's doctors and other professionals regarding the children. Each parent should notify the other of any medical emergencies or serious illnesses of the children. The parent who has medical insurance coverage on the children should supply, as applicable, insurance forms and a list of insurer-approved or HMO-qualified health care providers in the area where the other parent is residing.

Telephone calls between parents and child should be liberally permitted at reasonable hours and at the expense of the calling parent. Telephone contact can be a constant point of contention, as "reasonable" is often viewed quite differently between parents. As a default position, reasonable telephone calls between a parent and child should be defined as twice a week between Monday and Friday and once during the weekend. If a parent uses an answering machine, messages left on the machine for the child should be returned within 24 hours. Parents should agree on a specified time for calls to the children so that the children will be made available.

Parents should have the unrestricted right to send cards, letters and packages to their children. The children also should have the same right with their parents. Neither parent should interfere with this right.

A parent should not enter the residence of the other except by express invitation of the resident parent, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, when children are picked up or returned to a parent's home, they should be picked up or returned to the front entrance of the appropriate residence. Parents should refrain from surprise visits to the other parent's home. A parent's time with the children is their own, and the children's time with that parent is equally private.

# Example Visitation Schedules <sup>13</sup>

## 1. Standard visitation with extended weekends, limited midweek and equal time in the summer:

### ORDER ENTERING STANDARD VISITATION SCHEDULE

The non-custodial parent shall have visitation with all minor children of the parties as follows:

#### I. REGULAR VISITATION:

- a) The non-custodial parent shall have visitation every other weekend from Friday after school or day care until Monday morning when the non-custodial parent returns the child(ren) to school or day care.
- b) If a child is not attending school or day care, the non-custodial parent shall pick up the child from the custodial parent's home at 6 o'clock p.m. on Friday and shall return the child to the custodial parent's home at 7:30 o'clock a.m. on Monday.
- c) All visitation weekends that include a Federal, State or school holiday adjacent to the weekend shall be part of the regular weekend. For Friday holidays, the weekend shall begin after school or day care on Thursday evening. For Monday holidays, the weekend shall end with the child(ren) being returned to school or day care on Tuesday morning.
- d) Further, the non-custodial parent shall also enjoy a midweek visitation every Wednesday from after school or day care and return the child(ren) to the custodial parent's home by 8:00 p.m.
- e) The Regular Visitation provided in this section shall occur during the school year and shall not occur from June 1<sup>st</sup> until the 1<sup>st</sup> day of school.

#### II. HOLIDAY VISITATION:

a) <u>HOLIDAY</u>	<u>EVEN YEARS</u>	<u>ODD YEARS</u>
Spring Break	Custodial Parent	Non-Custodial Parent
Fall Break	Non-Custodial Parent	Custodial Parent
Thanksgiving Break	Custodial Parent	Non-Custodial Parent
1 <sup>st</sup> part of Christmas Break	Non-Custodial	Custodial Parent

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<sup>13</sup> The Committee was unable to establish examples of infant visitation schedules. Instead, using the above infant advisory guidelines, each schedule should be established based either upon agreement of the parties or the unique facts of each case.

(From after school or day care on the last day of school before the break until 6 p.m. on December 27th)

Balance of Christmas Break      Custodial Parent                      Non-Custodial Parent

(From 6 p.m. on December 27<sup>th</sup> until return to school or day care on the day school resumes)

- b) All Mother's Day weekends shall be spent with the Mother.

All Father's Day weekends shall be spent with the Father.

The weekend shall begin at 6 p.m. Friday before Mother's Day or Father's Day and conclude on the following Monday morning at the return time for regular weekend visitation. Father's Day weekend is not available for Mother's summer visitation.

- c) **THE HOLIDAY SCHEDULE SUPERSEDES ALL REGULARLY SCHEDULED VISITATION.**

The Holiday Schedule shall be governed by the school the child attends or would attend if not of school age. If a child not yet attending school has an older sibling who attends school, holiday visitation with the child not attending school shall be governed by the schedule for the school which the older sibling attends and shall begin from the afternoon when school is out until it resumes.

### **III. SUMMER VISITATION:**

- a) The non-custodial parent shall have summer visitation for two weeks in June and must notify the custodial parent of the dates in writing by March 30.
- b) The non-custodial parent shall have summer visitation for two weeks in July and must notify the custodial parent of the dates in writing by March 30. The July 4<sup>th</sup> holiday (from 6 p.m. on July 3<sup>rd</sup> to 6 p.m. on July 5<sup>th</sup>) shall alternate between the parties on a yearly basis. The non-custodial parent shall not select dates in July which include the July 4<sup>th</sup> holiday in consecutive years.
- c) Two weeks shall mean one period of 14 consecutive days or two periods of 7 consecutive days, with the visitation beginning and ending at 6 p.m.
- d) The non-custodial parent shall have summer visitation from 6 p.m. on August 1<sup>st</sup> until 6 p.m. on August 8<sup>th</sup>. If the child(ren)'s school year does not begin until after September 1st, an additional week of visitation in August will be available with dates to be agreed upon by the parents by June 1.
- e) The non-custodial parent shall not schedule periods of summer visitation consecutively to create a period of 3 consecutive weeks (such as the last 2 weeks of July and the first week of August) or a period of 4 consecutive weeks (such as the last 2 weeks of June and the first 2 weeks of July).

- f) If the non-custodial parent fails to give proper notice of when she/he will exercise summer visitation in June and/or July, then the non-custodial parent shall have visitation from 6 p.m. on June 1<sup>st</sup> until 6 p.m. on June 15<sup>th</sup> and from 6 p.m. on July 1<sup>st</sup> until 6 p.m. on July 15<sup>th</sup> in even-numbered years and from 6 p.m. on July 6<sup>th</sup> until 6 p.m. on July 20<sup>th</sup> in odd-numbered years.
- g) The Regular Visitation schedule shall resume on the weekend immediately following the first day of school and the non-custodial parent shall have visitation on that weekend. Weekends shall thereafter alternate between the parents until May 31<sup>st</sup>, with the Summer Schedule beginning on June 1<sup>st</sup>.

**IV. OTHER PROVISIONS:**

- a) Toys and clothes belonging to the child(ren) should travel freely between households and shall be returned with the child(ren) in a clean and orderly manner.
- b) Parents are allowed to deviate from this schedule by mutual agreement.
- c) Special consideration should be given to each parent to make the child(ren) available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with this visitation schedule.
- d) It is important to be aware that this visitation schedule is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein.
- e) In addition, liberal telephone communications between the non-custodial parent and child(ren) are encouraged and should occur. Unless otherwise agreed upon by the parties "liberal telephone communications" is defined as twice a week between Monday and Friday and once during the weekend. If a parent uses an answering machine, messages left on the machine for the child(ren) should be returned within 24 hours. Parents should agree on a specified time for calls to the child(ren) so that the child(ren) will be made available. Telephone communications are also encouraged and should occur between the child(ren) and the custodial parent during the non-custodial parent's visitation.

**2. Standard visitation with extended weekends, expanded midweek and equal time in the summer:**

**ORDER ENTERING STANDARD VISITATION SCHEDULE**

The non-custodial parent shall have visitation with all minor children of the parties as follows:

**I. REGULAR VISITATION:**

- a) The non-custodial parent shall have visitation every other weekend from Friday after school or day care until Monday morning when the non-custodial parent returns the child(ren) to school or day care.
- b) If a child is not attending school or day care, the non-custodial parent shall pick up the child from the custodial parent’s home at 6 o’clock p.m. on Friday and shall return the child to the custodial parent’s home at 7:30 o’clock a.m. on Monday.
- c) All visitation weekends that include a Federal, State or school holiday adjacent to the weekend shall be part of the regular weekend. For Friday holidays, the weekend shall begin after school or day care on Thursday evening. For Monday holidays, the weekend shall end with the child(ren) being returned to school or day care on Tuesday morning.
- d) Further, the non-custodial parent shall also enjoy a midweek overnight visitation every Wednesday after school or day care until Thursday morning when the non-custodial parent returns the child(ren) to school or day care.
- e) The Regular Visitation provided in this section shall occur during the school year and shall not occur from June 1<sup>st</sup> until the 1<sup>st</sup> day of school.

**II. HOLIDAY VISITATION:**

a) <u>HOLIDAY</u>	<u>EVEN YEARS</u>	<u>ODD YEARS</u>
Spring Break	Custodial Parent	Non-Custodial Parent
Fall Break	Non-Custodial Parent	Custodial Parent
Thanksgiving Break	Custodial Parent	Non-Custodial Parent
1 <sup>st</sup> part of Christmas Break	Non-Custodial	Custodial Parent
(From after school or day care on the last day of school before the break until 6 p.m. on December 27th)		
Balance of Christmas Break	Custodial Parent	Non-Custodial Parent

(From 6 p.m. on December 27<sup>th</sup> until return to school or day care on the day school resumes)

- b) All Mother's Day weekends shall be spent with the Mother.

All Father's Day weekends shall be spent with the Father.

The weekend shall begin at 6 p.m. Friday before Mother's Day or Father's Day and conclude on the following Monday morning at the return time for regular weekend visitation. Father's Day weekend is not available for Mother's summer visitation.

- c) **THE HOLIDAY SCHEDULE SUPERSEDES ALL REGULARLY SCHEDULED VISITATION.**

The Holiday Schedule shall be governed by the school the child attends or would attend if not of school age. If a child not yet attending school has an older sibling who attends school, holiday visitation with the child not attending school shall be governed by the schedule for the school which the older sibling attends and shall begin from the afternoon when school is out until it resumes.

### **III. SUMMER VISITATION:**

- a) The non-custodial parent shall have summer visitation for two weeks in June and must notify the custodial parent of the dates in writing by March 30.
- b) The non-custodial parent shall have summer visitation for two weeks in July and must notify the custodial parent of the dates in writing by March 30. The July 4<sup>th</sup> holiday (from 6 p.m. on July 3<sup>rd</sup> to 6 p.m. on July 5<sup>th</sup>) shall alternate between the parties on a yearly basis. The non-custodial parent shall not select dates in July which include the July 4<sup>th</sup> holiday in consecutive years.
- c) Two weeks shall mean one period of 14 consecutive days or two periods of 7 consecutive days, with the visitation beginning and ending at 6 p.m.
- d) The non-custodial parent shall have summer visitation from 6 p.m. on August 1<sup>st</sup> until 6 p.m. on August 8<sup>th</sup>. If the child(ren)'s school year does not begin until after September 1st, an additional week of visitation in August will be available with dates to be agreed upon by the parents by June 1.
- e) The non-custodial parent shall not schedule periods of summer visitation consecutively to create a period of 3 consecutive weeks (such as the last 2 weeks of July and the first week of August) or a period of 4 consecutive weeks (such as the last 2 weeks of June and the first 2 weeks of July).
- f) If the non-custodial parent fails to give proper notice of when she/he will exercise summer visitation in June and/or July, then the non-custodial parent shall have visitation from 6 p.m. on June 1<sup>st</sup> until 6 p.m. on June 15<sup>th</sup> and from 6 p.m. on July 1<sup>st</sup> until 6 p.m. on July 15<sup>th</sup> in even-numbered years and from 6 p.m. on July 6<sup>th</sup> until 6 p.m. on July 20<sup>th</sup> in odd-numbered years.

- g) The Regular Visitation schedule shall resume on the weekend immediately following the first day of school and the non-custodial parent shall have visitation on that weekend. Weekends shall thereafter alternate between the parents until May 31<sup>st</sup>, with the Summer Schedule beginning on June 1<sup>st</sup>.

**IV. OTHER PROVISIONS:**

- a) Toys and clothes belonging to the child(ren) should travel freely between households and shall be returned with the child(ren) in a clean and orderly manner.
- b) Parents are allowed to deviate from this schedule by mutual agreement.
- c) Special consideration should be given to each parent to make the child(ren) available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with this visitation schedule.
- d) It is important to be aware that this visitation schedule is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein.
- e) In addition, liberal telephone communications between the non-custodial parent and child(ren) are encouraged and should occur. Unless otherwise agreed upon by the parties "liberal telephone communications" is defined as twice a week between Monday and Friday and once during the weekend. If a parent uses an answering machine, messages left on the machine for the child(ren) should be returned within 24 hours. Parents should agree on a specified time for calls to the child(ren) so that the child(ren) will be made available. Telephone communications are also encouraged and should occur between the child(ren) and the custodial parent during the non-custodial parent's visitation.

**3. Standard visitation with extended weekends, no midweek and equal time in the summer:**

**ORDER ENTERING STANDARD VISITATION SCHEDULE**

The non-custodial parent shall have visitation with all minor children of the parties as follows:

**I. REGULAR VISITATION:**

- a) The non-custodial parent shall have visitation every other weekend from Friday after school or day care until Monday morning when the non-custodial parent returns the child(ren) to school or day care.
- b) If a child is not attending school or day care, the non-custodial parent shall pick up the child from the custodial parent's home at 6 o'clock p.m. on Friday and shall return the child to the custodial parent's home at 7:30 o'clock a.m. on Monday.
- c) All visitation weekends that include a Federal, State or school holiday adjacent to the weekend shall be part of the regular weekend. For Friday holidays, the weekend shall begin after school or day care on Thursday evening. For Monday holidays, the weekend shall end with the child(ren) being returned to school or day care on Tuesday morning.
- d) The Regular Visitation provided in this section shall occur during the school year and shall not occur from June 1<sup>st</sup> until the 1<sup>st</sup> day of school.

**II. HOLIDAY VISITATION:**

a) <u>HOLIDAY</u>	<u>EVEN YEARS</u>	<u>ODD YEARS</u>
Spring Break	Custodial Parent	Non-Custodial Parent
Fall Break	Non-Custodial Parent	Custodial Parent
Thanksgiving Break	Custodial Parent	Non-Custodial Parent
1 <sup>st</sup> part of Christmas Break	Non-Custodial	Custodial Parent

(From after school or day care on the last day of school before the break until 6 p.m. on December 27th)

Balance of Christmas Break	Custodial Parent	Non-Custodial Parent
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(From 6 p.m. on December 27<sup>th</sup> until return to school or day care on the day school resumes)

- b) All Mother's Day weekends shall be spent with the Mother.

All Father's Day weekends shall be spent with the Father.

The weekend shall begin at 6 p.m. Friday before Mother's Day or Father's Day and conclude on the following Monday morning at the return time for regular weekend visitation. Father's Day weekend is not available for Mother's summer visitation.

c) **THE HOLIDAY SCHEDULE SUPERSEDES ALL REGULARLY SCHEDULED VISITATION.**

The Holiday Schedule shall be governed by the school the child attends or would attend if not of school age. If a child not yet attending school has an older sibling who attends school, holiday visitation with the child not attending school shall be governed by the schedule for the school which the older sibling attends and shall begin from the afternoon when school is out until it resumes.

**III. SUMMER VISITATION:**

- a) The non-custodial parent shall have summer visitation for two weeks in June and must notify the custodial parent of the dates in writing by March 30.
- b) The non-custodial parent shall have summer visitation for two weeks in July and must notify the custodial parent of the dates in writing by March 30. The July 4<sup>th</sup> holiday (from 6 p.m. on July 3<sup>rd</sup> to 6 p.m. on July 5<sup>th</sup>) shall alternate between the parties on a yearly basis. The non-custodial parent shall not select dates in July which include the July 4<sup>th</sup> holiday in consecutive years.
- c) Two weeks shall mean one period of 14 consecutive days or two periods of 7 consecutive days, with the visitation beginning and ending at 6 p.m.
- d) The non-custodial parent shall have summer visitation from 6 p.m. on August 1<sup>st</sup> until 6 p.m. on August 8<sup>th</sup>. If the child(ren)'s school year does not begin until after September 1st, an additional week of visitation in August will be available with dates to be agreed upon by the parents by June 1.
- e) The non-custodial parent shall not schedule periods of summer visitation consecutively to create a period of 3 consecutive weeks (such as the last 2 weeks of July and the first week of August) or a period of 4 consecutive weeks (such as the last 2 weeks of June and the first 2 weeks of July).
- f) If the non-custodial parent fails to give proper notice of when she/he will exercise summer visitation in June and/or July, then the non-custodial parent shall have visitation from 6 p.m. on June 1<sup>st</sup> until 6 p.m. on June 15<sup>th</sup> and from 6 p.m. on July 1<sup>st</sup> until 6 p.m. on July 15<sup>th</sup> in even-numbered years and from 6 p.m. on July 6<sup>th</sup> until 6 p.m. on July 20<sup>th</sup> in odd-numbered years.
- g) The Regular Visitation schedule shall resume on the weekend immediately following the first day of school and the non-custodial parent shall have visitation on that

weekend. Weekends shall thereafter alternate between the parents until May 31<sup>st</sup>, with the Summer Schedule beginning on June 1<sup>st</sup>.

**IV. OTHER PROVISIONS:**

- a) Toys and clothes belonging to the child(ren) should travel freely between households and shall be returned with the child(ren) in a clean and orderly manner.
- b) Parents are allowed to deviate from this schedule by mutual agreement.
- c) Special consideration should be given to each parent to make the child(ren) available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with this visitation schedule.
- d) It is important to be aware that this visitation schedule is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein.
- e) In addition, liberal telephone communications between the non-custodial parent and child(ren) are encouraged and should occur. Unless otherwise agreed upon by the parties "liberal telephone communications" is defined as twice a week between Monday and Friday and once during the weekend. If a parent uses an answering machine, messages left on the machine for the child(ren) should be returned within 24 hours. Parents should agree on a specified time for calls to the child(ren) so that the child(ren) will be made available. Telephone communications are also encouraged and should occur between the child(ren) and the custodial parent during the non-custodial parent's visitation.

**4. Standard visitation with limited weekends, limited midweek and equal time in the summer:**

**ORDER ENTERING STANDARD VISITATION SCHEDULE**

The non-custodial parent shall have visitation with all minor children of the parties as follows:

**I. REGULAR VISITATION:**

- a) The non-custodial parent shall have visitation every other weekend from Friday after school or day care and shall return the child(ren) to the custodial parent’s home by 6:00 o’clock p.m. on Sunday evening.
- b) If a child is not attending school or day care, the non-custodial parent shall pick up the child from the custodial parent’s home at 6:00 o’clock p.m. on Friday and shall return the child to the custodial parent’s home by 6:00 o’clock p.m. Sunday evening.
- c) All visitation weekends that include a Federal, State or school holiday adjacent to the weekend shall be part of the regular weekend. For Friday holidays, the weekend shall begin after school or day care on Thursday evening. For Monday holidays, the weekend shall end with the child(ren) being returned to school or day care on Tuesday morning.
- d) Further, the non-custodial parent shall also enjoy a midweek visitation every Wednesday from after school or day care and return the child(ren) to the custodial parent’s home by 6:00 o’clock p.m..
- e) The Regular Visitation provided in this section shall occur during the school year and shall not occur from June 1<sup>st</sup> until the 1<sup>st</sup> day of school.

**II. HOLIDAY VISITATION:**

a) <u>HOLIDAY</u>	<u>EVEN YEARS</u>	<u>ODD YEARS</u>
Spring Break	Custodial Parent	Non-Custodial Parent
Fall Break	Non-Custodial Parent	Custodial Parent
Thanksgiving Break	Custodial Parent	Non-Custodial Parent
1 <sup>st</sup> part of Christmas Break	Non-Custodial	Custodial Parent
(From after school or day care on the last day of school before the break until 6 p.m. on December 27th)		
Balance of Christmas Break	Custodial Parent	Non-Custodial Parent

(From 6 p.m. on December 27<sup>th</sup> until return to school or day care on the day school resumes)

- b) All Mother's Day weekends shall be spent with the Mother.

All Father's Day weekends shall be spent with the Father.

The weekend shall begin at 6 p.m. Friday before Mother's Day or Father's Day and conclude on the following Monday morning at the return time for regular weekend visitation. Father's Day weekend is not available for Mother's summer visitation.

- c) **THE HOLIDAY SCHEDULE SUPERSEDES ALL REGULARLY SCHEDULED VISITATION.**

The Holiday Schedule shall be governed by the school the child attends or would attend if not of school age. If a child not yet attending school has an older sibling who attends school, holiday visitation with the child not attending school shall be governed by the schedule for the school which the older sibling attends and shall begin from the afternoon when school is out until it resumes.

### **III. SUMMER VISITATION:**

- a) The non-custodial parent shall have summer visitation for two weeks in June and must notify the custodial parent of the dates in writing by March 30.
- b) The non-custodial parent shall have summer visitation for two weeks in July and must notify the custodial parent of the dates in writing by March 30. The July 4<sup>th</sup> holiday (from 6 p.m. on July 3<sup>rd</sup> to 6 p.m. on July 5<sup>th</sup>) shall alternate between the parties on a yearly basis. The non-custodial parent shall not select dates in July which include the July 4<sup>th</sup> holiday in consecutive years.
- c) Two weeks shall mean one period of 14 consecutive days or two periods of 7 consecutive days, with the visitation beginning and ending at 6 p.m.
- d) The non-custodial parent shall have summer visitation from 6 p.m. on August 1<sup>st</sup> until 6 p.m. on August 8<sup>th</sup>. If the child(ren)'s school year does not begin until after September 1st, an additional week of visitation in August will be available with dates to be agreed upon by the parents by June 1.
- e) The non-custodial parent shall not schedule periods of summer visitation consecutively to create a period of 3 consecutive weeks (such as the last 2 weeks of July and the first week of August) or a period of 4 consecutive weeks (such as the last 2 weeks of June and the first 2 weeks of July).
- f) If the non-custodial parent fails to give proper notice of when she/he will exercise summer visitation in June and/or July, then the non-custodial parent shall have visitation from 6 p.m. on June 1<sup>st</sup> until 6 p.m. on June 15<sup>th</sup> and from 6 p.m. on July 1<sup>st</sup> until 6 p.m. on July 15<sup>th</sup> in even-numbered years and from 6 p.m. on July 6<sup>th</sup> until 6 p.m. on July 20<sup>th</sup> in odd-numbered years.

- g) The Regular Visitation schedule shall resume on the weekend immediately following the first day of school and the non-custodial parent shall have visitation on that weekend. Weekends shall thereafter alternate between the parents until May 31<sup>st</sup>, with the Summer Schedule beginning on June 1<sup>st</sup>.

**IV. OTHER PROVISIONS:**

- a) Toys and clothes belonging to the child(ren) should travel freely between households and shall be returned with the child(ren) in a clean and orderly manner.
- b) Parents are allowed to deviate from this schedule by mutual agreement.
- c) Special consideration should be given to each parent to make the child(ren) available to attend family functions, including funerals, weddings, family reunions, religious holidays, important ceremonies and other significant events in the life of the child or in the life of either parent which may inadvertently conflict with this visitation schedule.
- d) It is important to be aware that this visitation schedule is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein.
- e) In addition, liberal telephone communications between the non-custodial parent and child(ren) are encouraged and should occur. Unless otherwise agreed upon by the parties "liberal telephone communications" is defined as twice a week between Monday and Friday and once during the weekend. If a parent uses an answering machine, messages left on the machine for the child(ren) should be returned within 24 hours. Parents should agree on a specified time for calls to the child(ren) so that the child(ren) will be made available. Telephone communications are also encouraged and should occur between the child(ren) and the custodial parent during the non-custodial parent's visitation.

## **EXPLANATORY NOTES FOR EXAMPLES 1 - 4:**

1. The schedule provides pickup and return times for a child who is too young to attend school and is not in day care.
2. There is clarification that the non-custodial parent does not continue to have alternate weekend visitation in the summer plus the blocks of time allocated in June, July and August.
3. The new Christmas schedule prevents one parent having the child for Christmas Day in consecutive years. This schedule also allows for travel out of state without the need for the child to travel on Christmas Eve or Christmas Day.
4. This schedule solves the problems arising from a child in preschool having a different holiday schedule than an older, school-age sibling.
5. Under this schedule, the non-custodial parent cannot include July 4<sup>th</sup> in his/her July visitation each year. Also, the notification dates are moved back and are both due on the same date. This schedule allows the custodial parent more time to make arrangements for summer activities and/or child care, if necessary.
6. For some, two 1-week periods may be more feasible and may be more appropriate for younger children.
7. This schedule provides for more clarification for the first week of August.
8. This schedule will prevent the non-custodial parent from scheduling June and July visitation back-to-back to create a 4-week block.
9. The new default provision in the schedule solves the problems for a custodial parent who needs to schedule summer activities and/or day care.
10. The custodial parent will have the child for 1-2 weeks in August, just before school starts. This schedule gives the non-custodial parent the first weekend after school starts and makes it easier to know “whose weekend it is” since the alternate weekend schedule ceases during the summer.

**4. Long Distance visitation without ability to have monthly contact, equal division of transportation expenses, extended time in the summer and allowance for additional visitation where the child resides:**

**ORDER ENTERING LONG DISTANCE VISITATION SCHEDULE**

The non-custodial parent shall have visitation with all minor children of the parties as follows:

A. Time of Visitation

Spring Break: Every year from 6:00 p.m. the Friday Spring Break commences until 6:00 p.m. the Sunday Spring Break ends; PROVIDED, before any child reaches the age of five (5) Spring Break shall commence the second Friday in March at 9:00 a.m. and continue for eight (8) consecutive days, ending at 6:00 p.m. on the eighth day.

Fall Break: In odd years (i.e. 2005, etc.) from 6:00 p.m. the day school is out in the resident school district until 6:00 p.m. the day before school reconvenes. (For purposes of this order Fall Break shall refer to a school holiday designated as such by the resident school district or, if no such holiday is designated, to the break associated with the annual fall meeting of the Oklahoma Education Association.)

Thanksgiving: In even years (i.e. 2006, etc.) from 6:00 p.m. the day school recesses for the Thanksgiving holiday until 6:00 p.m. the Sunday following Thanksgiving.

Christmas: In odd years (i.e. 2005, etc.) from 6:00 p.m. the day school is out in the resident school district continuing for seven (7) consecutive days to 6:00 p.m. the seventh day; provided, however, that said visitation shall never commence prior to December 19th of a given year. (For purposes of this calculation, the day school dismisses is not counted.)

In even years (i.e. 2006, etc.) from 6:00 p.m. the 7th day after school is out is the resident school district until 6:00 p.m. the day preceding the start of school in the resident school district. (For purposes of this calculation, the day school is out is not counted.)

**Summer: Until the child reaches the age of five (5):**

First Visitation: The summer visitation shall commence at 6:00 p.m. the first Sunday after Memorial Day and continue for two weeks ending at 6:00 p.m. on that Sunday.

Second Visitation: The second summer visitation period shall commence two weeks after the end of the first visitation period, again beginning at 6:00 p.m. Sunday and ending at 6:00 p.m. on Sunday two weeks later.

**When the child is five (5) years of age or older:**

First Visitation: From June 1 at 9:00 a.m. to June 30 at 6:00 p.m. It is the intent of this Order that the non-custodial parent shall have 30 days visitation during the first summer visitation period. Consequently, in the event the school has not recessed for summer vacation until after June 1, the first summer visitation period shall commence on the day after the day school recesses for the summer vacation, at 9:00 a.m., and end 30 days later at 6:00 p.m.

Second Visitation: From August 1st at 9:00 a.m. to Saturday noon on the Saturday immediately preceding the first day of school.

Notwithstanding the foregoing, in the event one or more children are under the age of five (5) and one or more children are over the age of five (5), visitation shall occur as if all the children are over the age of five (5), in order that transportation of all children may occur at the same time for such visitation periods.

B. Transportation

The parents shall share equally the costs of providing the necessary transportation to carry out the visitation orders outlined above.

C. Election Not to Exercise

In the event the non-custodial parent elects not to exercise any visitation approved herein during any calendar year, the non-custodial parent shall give the custodial parent fourteen (14) days advance written notice of the non-custodial parent's intent not to exercise such visitation.

D. Additional Long Distance Visitation

The non-custodial parent may obtain additional long distance visitation upon obtaining prior consent of the custodial parent, which consent shall be in writing and designate the time and date of pick-up and delivery of the child/children and the agreement as to how the costs of transportation for said additional visit shall be borne.

E. Additional Visitation

The non-custodial parent shall be entitled to visitation in the city of residence of the custodial parent for periods not to exceed five (5) consecutive days upon the following terms and conditions:

- (a) the non-custodial parent may not exercise such visits on the birthday of the custodial parent or Mother's Day or Father's Day as applicable to the custodial parent;
- (b) the non-custodial parent may not exercise such visits on the child's birthday in odd years (i.e. 2005);
- (c) the total number of such visits shall not exceed five (5) per calendar year unless agreed to in writing by the custodial parent;
- (d) the non-custodial parent may not exercise such visits on more than one of the following holidays per calendar year: Easter, Memorial Day, Labor Day;
- (e) the child is required to attend all regularly scheduled pre-school and school classes during said visits.
- (f) the custodial parent shall be entitled to reject a request for such a visit two (2) times per calendar year by sending a telegram or written correspondence to the non-custodial parent within 48 hours of receipt of notice from the non-custodial parent that the non-custodial parent has elected to exercise such a visit; PROVIDED, the custodial parent may not reject a request for such a visit on the non-custodial parent's birthday, Father's Day or Mother's Day as applicable, the child's birthday in even years and the one holiday visit contemplated by paragraph (d) above.

F. EMERGENCY

In the event an emergency involving the minor child's health or welfare, the parent in possession of the child shall promptly notify the other parent and either parent may visit the minor child without giving notice to the other parent at reasonable times and places under the circumstances. In the event of any injury to the child involving a doctor's appointment or hospitalization, the parent in possession of the child shall notify the other parent within six (6) hours.

G. TELEPHONE

Liberal telephone communication between each parent and the child or children is encouraged and should occur.

**4. Long Distance visitation with monthly contact, division of transportation expenses with right of offset, extended time in the summer and allowance for additional visitation:**

**ORDER ENTERING LONG DISTANCE VISITATION SCHEDULE**

The non-custodial parent shall have visitation with all minor children of the parties as follows: (Exact times may vary depending on available flight schedules.)

A. Regular Visitation:

One weekend per month, being the second weekend of each month, commencing at 6:00 o'clock p.m. Friday on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ through 9:00 pm Sunday and continuing on the 2nd weekend of each month thereafter, until further Order of the Court.

Further, any visitation weekend that includes a Federal, State or school holiday adjacent to the weekend shall be part of the regular weekend. For Friday holidays, the weekend shall begin at 6:00 o'clock p.m. on Thursday evening. For Monday holidays, the weekend shall end with the child(ren) being returned at 6:00 o'clock p.m. on Monday evening.

B. Holiday Visitation:

Spring Break: Every year from 6:00 p.m. the Friday Spring Break commences until 6:00 p.m. the Sunday Spring Break ends; PROVIDED, before any child reaches the age of five (5) Spring Break shall commence the second Friday in March at 9:00 a.m. and continue for eight (8) consecutive days, ending at 6:00 p.m. on the eighth day.

Fall Break: In odd years (i.e. 2005, etc.) from 6:00 p.m. the day school is out in the resident school district until 6:00 p.m. the day before school reconvenes. (For purposes of this order Fall Break shall refer to a school holiday designated as such by the resident school district or, if no such holiday is designated, to the break associated with the annual fall meeting of the Oklahoma Education Association.)

Thanksgiving: In even years (i.e. 2006, etc.) from 6:00 p.m. the day school recesses for the Thanksgiving holiday until 6:00 p.m. the Sunday following Thanksgiving.

Christmas: In odd years (i.e. 2005, etc.) from 6:00 p.m. the day school is out in the resident school district continuing for seven (7) consecutive days to 6:00 p.m. the seventh day; provided, however, that said visitation shall never commence prior to December 19th of a given year. (For purposes of this calculation, the day school dismisses is not counted.)

In even years (i.e. 2006, etc.) from 6:00 p.m. the 7th day after school is out is the resident school district until 6:00 p.m. the day preceding the start of school in the resident school district. (For purposes of this calculation, the day school is out is not counted.)

This holiday visitation schedule is to be observed whether or not it coincides with the regular visitation and is in addition thereto.

C. Summer visitation:

The non-custodial parent shall have summer visitation with this child from 6:00 o'clock p.m. June 15 until 6:00 o'clock p.m. August 1st.

D. Telephone visitation:

The non-custodial parent shall have specific, unmonitored telephone visitation time with the child(ren) on Sunday evenings between 7:00 and 7:30 p.m., and at any other times the child(ren) desire(s) to have telephone visitation with the non-custodial parent. Unless other arrangement are not made, i.e. phone card, etc., all telephone calls will be made by the minor child(ren) "collect" from the home where the child is calling to the home of the other parent.

E. Extra visitation:

The non-custodial parent shall have visitation with the child(ren) at all reasonable times and places any time he/she is in the state of Oklahoma or the child(ren) is/are in the locale where the non-custodial parent resides. Either parent will provide reasonable advance written notice to the other when the child(ren) will be in the locale where the non-custodial parent resides or the non-custodial parent will be in Oklahoma.

F. Final Visitation Provisions:

It is important to be aware that this visitation schedule is for the purpose of providing assured minimum amounts of visitation between the non-custodial parent and the child(ren). Visitations should exceed the number of occasions set out herein.

In addition, liberal telephone communications between the non-custodial parent and the child(ren) in addition to those set forth above are encouraged and should occur.

Lastly, if the non-custodial parent is unable to accomplish visitation, he/she will notify the custodial parent as soon as reasonably possible on each such occasion.

G. Distribution of Transportation Expenses:

The only transportation costs under the present circumstances which shall be divided between the parties are the airplane flight costs ("transportation expenses") for the child(ren).

The parties shall proportionately divide transportation expenses associated with the non-custodial parent's visitations with the child(ren) as determined by their proportionate share of incomes used on the child support guidelines.

The non-custodial parent shall be responsible for the initial costs of acquiring the airplane tickets for the exercise of visitation and shall timely provide (being at least 10 days prior to the time of the transportation) the custodial parent with tickets or confirmation of ticket purchase and a flight itinerary.

As to those transportation expenses which the custodial parent is responsible for and which the non-custodial parent has prepaid, in the event the custodial parent does not reimburse the non-custodial parent within ten (10) days of receipt of the charges, the non-custodial parent is permitted to deduct such amount from his/her next due day care and or uncovered medical expenses for the child(ren).