

MEMORANDUM

TO: Ron Bornstein
FROM: Amy Hamlin
RE: Supreme Court Parenting Plans
DATE: June 21, 2009

The Parenting Plan Fast Track Committee was tasked with reviewing and commenting on the Supreme Court Parenting Plans. The Committee has reviewed at least three versions of the Supreme Court Plans which include a Basic Plan and a Supervised/Safety-Focused Plan. Both Plans include Instruction Sheets. In total, the Committee has reviewed six versions of these Plans.

This Memo contains the Committee's comments for the Supreme Court Plans that were submitted to the Supreme Court for approval. The Section has applied for and received an extension to provide its comments.

Overall, the Committee believes that both Plans meet the Chapter 61 requirements, as stated in 61.046 and 61.13. We do, however, have suggested revisions which are stated in this Memo.

This Memo will review the Basic Parenting Plan first.

I. Chapter 61 Requirements

Chapter 61.046 (13) of the Florida Statutes state that a "Parenting plan" means a document created to govern the relationship between the parties relating to the decisions that must be made regarding the minor child and shall contain a time-sharing schedule for the parents and child. The issues concerning the minor child *may include*, but are not limited to, the child's education, health care, and physical, social, and emotional well-being. *In creating the plan, all circumstances between the parties, including the parties' historic relationship, domestic violence, and other factors must be taken into consideration.* The parenting plan shall be developed and agreed to by the parents and approved by a court or, if the parents cannot agree, established by the court.

(a) Any parenting plan formulated under this chapter must address all jurisdictional issues, including, but not limited to, the Uniform Child Custody Jurisdiction and Enforcement Act, part II of this chapter, the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of

International Child Abduction enacted at the Hague on October 25, 1980.

This Memo will later address the above requirements in each Plan, but both Plans do comply with Chapter 61.046 (13).

II. Instruction Sheet for Basic Plan

No recommended changes to the Instruction Sheet. The Supreme Court Plan lists the factors in Chapter 61.13 (3) (a) – (s).

III. Basic Parenting Plan

A. No changes to the “intro” section

B. Section I Parents

1. Delete the address, telephone number and email
2. These identifiers are else where in Court documents
3. Should not provide too much information about the parties in a document that is available to the public

C. Section II Children

1. delete date of birth for each child and state only the child’s age

D. Section III Jurisdiction

1. No changes to this section
2. The R&F Committee should discuss whether there should be a check box for international, if a child will move out of the Country with a parent and if there should be a check box for a multi-circuit family

E. Section IV Parental Responsibility And Decision Making

1. Change the Sole Parenting check box
2. 61.13 defines sole parenting as “The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child.”
3. Change the language to read “It is in the best interests of the child(ren) that the ___ Mother ___ Father shall have sole authority to make major decisions for the children because it is detrimental for the children to have shared parenting”
4. Change “Extra-curricular” to one word with no hyphen; “extracurricular” which is how the word is spelled on page two of the Instruction Sheet. **Make this change throughout the Plan**
5. Delete the cost of extracurricular activities from the Plan
 - a. Costs of the extracurricular activities are included in a support order or Child Support Guidelines Worksheet
 - b. **Delete any reference to finances in the Plan**

F. Section V Information Sharing

1. No changes

G. Section VI Scheduling

1. Delete the oldest and youngest child options for following the school calendars
2. Add check box option: _____ (fill in the name of the child whose school calendar shall be followed”
3. Parties may have children in different schools that do not have the same calendars

H. Section VII Time Sharing Schedule

1. Weekday and Weekend
 - a. Revise this section to look like the 12th Circuit Time Sharing Schedule
 - b. The 12th Circuit has options like 4-3, 3-4 another other on-going options some parents may not think to consider
2. Holiday Schedule
 - a. Change the first check box to read “No holiday time sharing shall apply unless the parties specifically agree on a particular holiday schedule”
 - b. Delete “Holiday time sharing shall be as the parties agree”
3. In the list of holidays, change “Father’s day” to “Father’s Day”
4. Add a section that addresses hurricane days; while not a holiday, the parties need to address where the children shall be if not in school for a hurricane, as well as whether that parent may leave the area and/or State with the child
5. Add a section for teach work days when the children are not in school

I. Section VII Transportation

1. Add the following language from the Supervised/Safety-Focused Plan: “The child(ren) shall not be driven n a car unless the driver has a valid driver’s license, automobile insurance, seat belts, and child safety seats as required by Florida law.”
2. Delete the costs section, as stated earlier in this Memo

J. Section IX Education

1. Change “school designation” to read “For school and school district purposes, the ____ Mother’s ____Father’s address shall be used for school boundary and registration.”
2. Limit the private or home schooling section to whether the child shall attend either type of school. If the child shall be home schooled, the parties should state which parent is responsible for providing the education. The finances for home schooling or private school should not be included in the Parenting Plan.

K. Section X Designation For Other Legal Purposes

1. This section was intensely debated
2. Change to read: “This majority designation is SOLELY for the purposes of all other state and federal laws which require such a designation. **This designation does not affect either parent’s rights and responsibilities under this parenting plan.**”

The child(ren) named in this Parenting Plan are scheduled to reside the majority of the time with the _____ Mother _____ Father.”

L. Section XI Communication

1. Delete costs of communication, same as costs of transportation and extracurricular activities

M. Section XII Child Care

1. Change “choose only one” to “choose all that apply”

N. Section XII Changes Or Modification Of The Parenting Plan

1. No change

O. Section XIV Relocation

1. No change

P. Section XV Disputes Or Conflict Resolution

1. GM Keith stated there was extensive debate in the Supreme Court workgroup and this version is watered down from a previous version

2. Dr. Day reviewed this language and stated it is a great start

3. No suggested change

Q. Signature of Parents

1. Change the affirmation to the 12th Circuit language: “By signing this Parenting Plan, I confirm that I have read all of the pages and any attachments, I understand it and I believe that it is in the best interest of my child(ren). I am freely and voluntarily entering into this Agreement and I request that the Judge approve it.”

R. Other

1. The pages in the Plan should be paginated

IV. Instruction Sheet for Supervised/Safety-Focused Plan

A. Change the first paragraph to read: “A **Parenting Plan** is required in all cases involving minor child(ren). This form or a similar form should be used in cases when the child(ren) cannot be safely alone with a parent or if **shared parental responsibility** presents a detriment to the child(ren). In this case, a Parenting Plan must be developed that allows **time-sharing** with any minor child(ren), while providing protection for the child(ren). If safety or supervised time-sharing is not a concern, **Parenting Plan**, Florida Supreme Court Approved Family Law Form 12.995(a) should be used.

V. Supervised/Safety-Focused Parenting Plan

A. No changes to the Intro Paragraph

B. Section I Parents

1. Make the same changes to this section as Section I in the Basic Plan

- a. Delete address, telephone number, and email
 - 2. GM Keith said that the Workgroup considered deleting this information but the consensus was to leave the information in so that all this information is available in one spot

- C. Section II Children
 - 1. Same change as in Basic Plan; change DOB to age of the child

- D. Section III Jurisdiction
 - 1. Same changes as in Basic Plan

- E. Section IV Parental Responsibility
 - 1. Change the first check box: delete “sole authority” and replace with “sole parental responsibility”
 - a. 61.13 defines sole parenting as “The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child.”
 - b. Change the language to read “It is in the best interests of the child(ren) that the ___ Mother ___ Father shall have sole authority to make major decisions for the children because it is detrimental for the children to have shared parenting”
 - 2. Dr. Day suggested adding psychological/mental health as listed option for the second check box; shared parenting with decision making authority

- F. Section V Time Sharing
 - 1. Change the first check box to read: “The ___ Mother ___ Father shall have no time sharing with the child(ren) until further ordered by the Court. All parenting decisions shall be made by the other parent.
 - 2. Add a check box for “Domestic Violence” that allows space to state whether there is a Domestic Violence Order in place, including the date the Order expires.

- G. Section VI Supervisor And Supervision
 - 1. Change #1 to read: “Supervisor. The supervisor of the time sharing shall”
 - 2. Change #2 to read: “Restrictions On or Level of Supervision”
 - 3. Delete costs of supervision to be consistent with the Basic Plan; this issue should be in a separate order

- H. Section VII Location
 - 1. Change the first check box to read: “Supervised visitation center (name and address of facility)

- I. Section VII Designation For Other Legal Purposes
 - 1. Same change as in the Basic Plan: “This majority designation is SOLELY for the purposes of all other state and federal laws which require such a designation. **This designation does not affect either parent’s rights and responsibilities under this**

parenting plan. The child(ren) named in this Supervised/Safety-Focused Parenting Plan are scheduled to reside the majority of the time with the _____ Mother _____ Father.”

J. Section IX Transportation And Exchange Of Child(ren)

1. Change last check box to read: “The _____ Mother _____ Father is prohibited from coming to the exchange point.”

K. Section X Communication

1. Change the second check box to read: “The parents shall communicate with each other only:

2. Delete the language after “No Communication” in the next check box

3. Change “Between Parent and Children” to the following:

a. Add subsections A and B

b. Subsection A, Parent Communication with the child(ren), should read:

1) Shall not telephone, write, or email the child(ren) unless the contact is agreed to in advance by the other parent

2) May write or email the child(ren) at any time. Each parent shall provide a contact address (and email address if appropriate) to the other parent, unless otherwise prohibited by court order.

3) May call the child(ren) on the telephone ___ times per week. The call shall last no more than _____ minutes and shall take place between ___ _m and _____ _m. Each parent shall provide a telephone number to the other parent, unless otherwise prohibited by court order.

c. Subsection B, Child(ren) communication with the Parent, should be :

1) Shall not telephone, write, or email the parent unless the contact is agreed to in advance by the other parent

2) May write or email the parent at any time. Each parent shall provide a contact address (and email address if appropriate) to the other parent, unless otherwise prohibited by court order.

3) May call the parent on the telephone ___ times per week. The call shall last no more than _____ minutes and shall take place between ___ _m and _____ _m. Each parent shall provide a telephone number to the other parent, unless otherwise prohibited by court order.

4. Delete the cost section

L. Section XI Access To Activities And Events

1. No changes

M. Section XII Children’s Safety

1. Change the 4th check box to read: “The following person(s) present a danger to the child(ren) and shall not be present during time-sharing:_____.

If this provision is not agreed to by both parties, the reason why the person(s) shall not be present during the time-sharing is _____.”

N. Section XII Changes Or Modifications Of The Parenting Plan

1. No changes

O. Signature Of The Parties

1. Change the affirmation to the 12th Circuit language: “By signing this Parenting Plan, I confirm that I have read all of the pages and any attachments, I understand it and I believe that it is in the best interest of my child(ren). I am freely and voluntarily entering into this Agreement and I request that the Judge approve it.”

P. Other

1. The pages in the Plan should be paginated