

**IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, OHIO
JUVENILE DIVISION**

STANDARD SCHEDULE FOR PARENTING TIME

SCHEDULE FOR PARENTING TIME: Parenting time SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES AGREE. Unless modified in advance, by mutual agreement of both parties, parenting time normally shall not be less than the following:

1. **Weekend Parenting Time:** Beginning on a specific date, every other weekend from Thursday night at 6:00 p.m. to Sunday night at 6:00 p.m. Specific parenting time for a holiday, day of special meaning or a vacation overrides weekend parenting time, but the alternating weekend schedule shall not change, even if interrupted and overridden by a holiday, day of special meaning, or vacation parenting time. Weekend time that is lost due to a holiday does not have to be made up.
2. **Mid-week Parenting Time:** In addition, an overnight parenting time period from 6:00 p.m. on Thursday to 6:00 p.m. on Friday (or on such other day or time that the parties agree) during each week that the nonresidential parent does not have the parenting time. The Non-residential parent shall be responsible for transporting the child(ren) to school, daycare, etc., when applicable on Friday morning.

The above weekend and mid-week schedule is summarized on the table below, which shows which **nights** the child will spend with the residential parent (RP) and nonresidential parent (NRP).

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
RP	RP	RP	NRP	NRP	NRP	RP
RP	RP	RP	NRP	RP	RP	RP
RP	RP	RP	NRP	NRP	NRP	RP
RP	RP	RP	NRP	RP	RP	RP

3. **Parenting Time on Days of Special Meaning:**
 - a. **Mother's and Father's Day:** Mother's Day shall always be spent with the mother and the Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the times are 9:00 a.m. to 7:30 p.m. The child shall spend the remainder of the Mother's or Father's Day weekend with the parent who has regularly scheduled parenting time for that weekend.
 - b. **Child's Birthday:** A child's birthday shall always be spent with the mother in the even-numbered years, and shall always be spent with the father in the odd-numbered years. If the parties cannot agree, the time is 9:00 a.m. to 8:00 p.m., if the child does not have school on the birthday, and 5:00 p.m. to 8:00 p.m. if the child's birthday falls on a school day. Birthday parenting time takes priority over weekend, mid-week, or vacation parenting time. In the event of a conflict between the child's birthday and holiday parenting time, the parent having holiday time with the child shall also have parenting time on the child's birthday.
4. **Holiday Parenting Time:** Parents may wish to change, by agreement, a holiday to observe family or religious traditions. Unless changed by agreement, holiday parenting times are as follows:

Holiday	Even Years	Odd Years	Time unless otherwise agreed:
<u>Martin Luther King Day</u>	Mother	Father	Sun. 6:00 p.m. – Mon. 6:00 p.m.
Spring Break	Father	Mother	9:00 a.m. on the day after school \Is Released for Spring Break until 6:00 p.m. of the day before school resumes
<u>Easter</u>	Father	Mother	Sun. 9:00 a.m. – Sun 6:00 p.m.
<u>Memorial Day Weekend</u>	Mother	Father	Fri. 6:00 p.m.- Mon. 6:00 p.m.
<u>July 4th</u>	Father	Mother	7/3 at 6:00 p.m. – 7/5 at 6:00 p.m.
<u>Labor Day Weekend</u>	Mother	Father	Fri. 6:00 p.m. – Mon. 6:00 p.m.
Halloween – If in the year Preceding the order, the child Participated in Trick-or-Treat	Father	Mother	5:00 p.m. – 8:00 p.m. of the night Trick-or-Treat is scheduled in that parent’s neighborhood
<u>Thanksgiving</u>	Mother	Father	Wed. 6:00 p.m. – Sun. 6:00 p.m.
1 st Half of Winter Vacation, including Christmas Eve	Mother	Father	6:00 p.m. on the day that school is out for Christmas vacation to <u>9:00 a.m. on Christmas Day</u>
2 nd Half of Winter Vacation, including Christmas Day & New Years’ Eve/Day	Father	Mother	<u>9:00 a.m. on Christmas Day</u> until 6:00 p.m. on the day before school is scheduled to restart after the school break

All references to “school” in the holiday section above, refer to the schedule of the school where the child attends. If the child is not yet attending school, the public school schedule for the district where the child resides shall apply.

5. **Vacation Parenting Time:**

- a. **Length:** The nonresidential parent shall have twenty-eight days of vacation parenting time each year. Vacation parenting time shall be exercised in a block of not less than one (1) week (seven days), and the nonresidential parent has the right to determine the duration of the block of vacation parenting time. In no event shall the nonresidential parent utilize more than two (2) of the residential parent’s weekends when scheduling vacation parenting time.
- b. **When Exercised:** With regard to any child of school age, the nonresidential parent’s vacation parenting time shall be exercised between June 1st and the seventh day before commencement of the child’s new school year, unless otherwise agreed by the parties or ordered by the Court. With regard to a child who is not of school age, vacation parenting time may be exercised any time of the year, except during holiday time allocated to the residential parent.
- c. **Residential Parent Notification:** So as to facilitate scheduling and minimize conflicts, the residential parent shall deliver to the nonresidential parent, in writing, and no later than March 1st of each year, all information (including schedules, if available) concerning potential summer activities for the parties’ minor child. Scheduling of summer activities shall be discussed by the parties, which discussions shall consider the desires of the child, family traditions, work schedules of the parents and the child, etc.
- d. **Nonresidential Parent Notification:** The nonresidential parent shall, no later than April 1st of each year (or 60 days prior to the start of the vacation parenting time if the child is not in school), deliver to the residential parent, in writing, the dates he/she wishes to exercise vacation parenting time. This notice, and the notice of potential summer activities, shall be delivered by one party directly to the other, and shall not be sent through the child.
- e. **Priority of Parent’s Schedules:** The nonresidential parent’s choice of vacation parenting time has priority over the residential parent’s choice, unless the residential parent’s vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty day’s notice of intent to take a vacation and the nonresidential parent has no similar requirement.

- f. **Summer School:** Required summer school of a child does not bar or otherwise alter the parenting time schedule set forth herein. If the child must attend summer school during the nonresidential parent's parenting time, the nonresidential parent shall make sure that the child meets all attendance requirements for summer school.
- g. **Contact Information:** If either parent takes the child outside the county in which that parent resides, for a period of 24-hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel, and a telephone number where the child can be reached in case of emergency.
- h. **Residential Parent's Interim Parenting Time:** In the event that the vacation parenting time of the nonresidential parent lasts 28 consecutive days or more, the residential parent shall be entitled to spend two (2) consecutive days (forty-eight hours), with the child at the approximate midpoint of the vacation parenting time. The nonresidential parent's vacation parenting time shall be extended accordingly, to constitute the full twenty-eight days of vacation parenting time. The interruption of the nonresidential parent's vacation parenting time shall not apply if it interferes with his or her vacation travel plans, or if the parents reside more than 150 miles from each other.
- i. **Residential Parent's Out-of-Town Vacation:** The residential parent shall be entitled to take two (2) weeks out-of-town vacation per year which is uninterrupted by midweek or weekend parenting time. This vacation may be exercised in minimum increments of one (1) week. The residential parent shall not be required to make-up any missed weekend or midweek parenting time associated with his or her out-of-town vacation. The residential parent shall give thirty (30) days advance notice of any out-of-town vacation time exercised under this provision.
- j. **Resumption of Weekend Schedule:** The alternating of weekends shall not be affected by intervening vacation parenting time periods of either parent, and the rotation shall continue as initially established, unless the parties agree otherwise.
- k. **Priority of Other Parenting Time Periods:** Neither party shall schedule vacation with the child during the other parent's designated time for a holiday or day of special meaning.

C. MISCELLANEOUS PARENTING TIME ISSUES:

- 1. **Priority of Parenting Time Periods:** In the event of any conflict between parenting time allocated to each parent under this Rule, the following order of priority shall govern, with (a) being the highest priority and (d) being the lowest priority:
 - a. Holidays and Days of Special Meaning;
 - b. Vacation Time;
 - c. Weekends; and
 - d. Midweek Parenting Time.
- 2. **Cancellation of Parenting Time by Nonresidential Parent:** Except in case of emergency, the nonresidential parent shall give the residential parent 24-hours advance notice of any cancellation of parenting time. A parent who does not give timely notice of cancellation of parenting time forfeits that period of parenting time. Nothing in this provision prevents a nonresidential parent from scheduling make-up parenting time, when parenting time must be canceled by the nonresidential parent because of an emergency or other unforeseen circumstance.

3. **Keeping the Children Together:** All brothers and sisters subject to the same parenting time order shall participate in parenting time together, unless otherwise agreed by the parties, or unless one child is too ill to leave home for parenting time.
4. **Ending Parenting Time Early:** The nonresidential parent shall not return the child, prior to the end of the parenting time period, unless the parties agree in advance. The residential parent shall not attempt to terminate parenting time prematurely, without agreement, by arriving early to pick up the child.
5. **Transportation:** The nonresidential parent shall transport the child at the start of the parenting time period, and as provided in B (2) above. The residential parent shall transport the child at the end of the parenting time period. This means that the parents, unless otherwise agreed to by both parents or unless ordered by the Court, shall share the transportation of the child equally. A parent, if unavailable for the pick-up of the child, shall have a responsible adult, well known to the child, provide substitute transportation for the child. All child restraint laws must be complied with by any person driving the child. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers shall drop off/pick up at the parents' homes. If the child is to be picked up from a daycare or school facility which requires written consent for the pick up, the residential parent shall sign such written consent prior to the commencement of any parenting time period.
6. **Promptness:** Each parent shall be prompt for pick-up of the child. Neither parent shall be more than thirty (30) minutes late to pick up the child. A nonresidential parent who is more than thirty (30) minutes late loses that particular parenting time period, unless the tardiness is for good cause, and unless the nonresidential parent gives notice of the tardiness and a reasonable estimated time of arrival. In order to avoid forfeiture of that parenting time period, the notice of tardiness must be given no later than 30 minutes after the scheduled start of parenting time.
7. **Make-up Parenting Time:** The nonresidential parent shall be entitled to make-up parenting time if, due to an emergency or other unforeseen circumstance, the nonresidential parent is not available at the scheduled time for parenting time and has given required notice of that fact to the residential parent. The nonresidential parent shall also be entitled to make-up parenting time if the residential parent denies parenting time without just cause. All make-up parenting time shall be rescheduled by the nonresidential parent and exercised within sixty (60) days of the missed parenting time, or it is forfeited. The residential parent shall make the child available for all make up parenting time.
8. **Clothing and the Child's Appearance:** The residential parent is responsible for providing sufficient appropriate clean clothing for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, the nonresidential parent must notify the residential parent in advance. If the child does not own the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent **MUST** be returned immediately after the parenting time period, in good condition, reasonable wear and tear excepted.

Absent an agreement by both parents, the child's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to, cutting/coloring of hair, tattoos and body piercing.
9. **Schoolwork:** A parent must provide time for any child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the child. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the nonresidential parent of the school work to be done, so that it may be timely completed.
10. **Address and Telephone Numbers:** Unless the Court orders otherwise, each parents shall keep the other parent informed of his/her current address and telephone/cell phone/pager number, and an alternate telephone number in the event of an emergency. Absent an order of the Court, no parent shall put a block on his/her phone prohibiting the other parent from calling. Answering machines for both parents are encouraged, in order to facilitate communication. If either parent takes the child outside the county in which that parent resides, for a period of 24-hours or more, that parent must provide the other parent with the destination, times

of arrival and departure, method of travel and a telephone number where the child can be reached in an emergency.

11. **Illness or Injury of a Child:** If a child is too ill to leave home for parenting time, the residential parent shall give the nonresidential parent notice of that fact at the earliest available time. The nonresidential parent shall be entitled to make-up parenting time with the child under the provisions in Paragraph 7 above.

The residential parent shall keep the nonresidential parent informed of any health condition of the child which necessitates medication or treatment. The residential parent shall provide the nonresidential parent with any necessary prescription medication or treatment instructions prior to the start of the parenting time period.

12. **Communication between Parents:** Parents, whenever possible, shall communicate directly with one another concerning parenting time issues. In the event parents cannot communicate effectively with one another, the parents shall utilize alternative methods for communication such as: (1) communicating in writing only; (2) engaging a third party to assist in their communications; or (3) seeking professional assistance, including but not limited to the Court's mediation services.

13. **Children's Activities:** Regardless of where the child is living, the child's participation in extracurricular activities, whether school-related or otherwise, shall not be interrupted because of parenting time. The parent with whom the child is residing at the time of an activity shall transport the child to the activity, unless otherwise agreed by the parties, in advance of the parenting time period. Each parent shall fully inform the other parent of any organized activities of the child, in advance, complete with a schedule and the name and contact information for any activity leader, if available.

14. **Child's Records and Activities:**

- a. **Name:** The residential parent shall use the child's birth or adopted name only, on the child's records.
- b. **Records:** The residential parent must list the nonresidential parent as the mother or the father of the child on all formal records of the child. The residential parent must also authorize the school to release to the nonresidential parent any and all information concerning the child, if such release is required for the nonresidential parent to obtain information concerning the child.
- c. **Access:** The nonresidential parent shall have the same access to the same records, same school activities and any daycare center attended by the child, on the same basis as said records or access is legally to the residential parent, unless a restrictive order has been journalized by the Court.

15. **Telephone Calls:** Unless otherwise ordered by the Court, each parent shall be permitted regular telephone contact with the child. At a minimum, each parent has the right to talk with the child no less than twice a week for no more than one-half (1/2) hour during each contact. Phone calls should be made during the child's normal waking hours. If the child is unavailable for conversation, each parent shall require the child to timely return the call.

In addition to any telephone calls received from a parent, a child is permitted and shall be encouraged to call a parent no less than twice a week. However, the decision to call shall ultimately be left to the child. The child's telephone privileges are not to be used by either parent to convey messages to the other parent. Parents shall not discipline a child by restricting telephone contact with the other parent.

16. **Noncompliance with Court Order:** The duties and rights of parents outlined in this schedule may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio Law, a parent may not withhold parenting time because the other parent does not obey another Court order (for instance, to pay support, medical bills, etc.). A parent may seek enforcement of a periodic child support by contacting the Erie County Child Support Enforcement Agency. The failure of any party to obey a Court Order may subject the violating parent to Court-imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs and other appropriate relief.

17. **Relocation:**

- a. **Permanent Relocation of a Child:** The residential parent may not permanently relocate a minor child outside of the state of Ohio, over the objection of the nonresidential parent, without prior approval of the Court. Whether the residential parent will be permitted to permanently relocate a child outside of the state of Ohio, over the objection of the nonresidential parent, will be determined by the Court on the basis of the best interests of the child.
- b. **Notice of Intent to Relocate:** The residential parent must notify the nonresidential parent, in writing, any time he or she changes his or her residence from that of the county in which he or she resided at the time of the last parenting order. Said notice must be given in writing, at least forty-five (45) days in advance of the relocation. This Court has designed forms to be used by the residential parent to make the relocation notification (D.R. Forms 6.00 and 13.00 through 13.30 in the Appendix). The procedure for making the notification and the forms are available from the Court upon request.
- c. **Modification of Parenting Time Schedule:** If the proposed relocation makes the existing parenting time order impracticable, the parents shall attempt, in good faith, to reach an agreement on any revision of the existing schedule. Any agreed revision shall be reduced to a Judgment Entry, and shall be submitted to the Court for approval and filing. If the parties cannot reach an agreement, either party may file a motion to modify parenting time with the Court.

18. **Implementation of New Schedule:** Rule 24, as set forth above, constitutes the standard schedule of parenting time of the Court. The Court reserves the right to modify the parenting time schedule upon the filing of a motion by either party. The current version is intended to be prospective in application only. However, the Court, in addressing any motion for modification of parenting time, would generally adopt this schedule of parenting time, upon the request of either party, unless any party proves by a preponderance of the evidence that another schedule would serve the best interests of a child. If adoption of this schedule of parenting time expands the nonresidential parent's parenting time rights, a modification of parenting time standing alone shall not constitute sufficient evidence for a deviation of the nonresidential parent's child support obligation. Evidence of a specific monetary amount associated with the expanded parenting time is required for a deviation from child support computed pursuant to O.R.C. Section 3119.

19. **Attachment of Schedule to Judgment Entries:** Anytime a Judgment Entry orders parenting time in accordance with this schedule, a copy of this form shall be attached to and incorporated into the Judgment Entry.