

NORTH DAKOTA PARENTING PLAN [MODEL]

INTRODUCTION

North Dakota law requires parents to create their own parenting plan that will direct them in their efforts to maintain a parent-child relationship beneficial to the child. This information is offered to assist parents as they live apart and to promote the best interests and welfare of their children. A powerful cause of stress, suffering, and maladjustment in children of separated parents is not simply separation itself, but continuing conflict between parents, before, during, and after their separation, whether through divorce, separation, or as unmarried parents.

Co-parenting after separation presents many challenges. It is not easy to put your children's needs ahead of your own often intense feelings and fears. When parental maturity, personality, and communication skills are adequate, the ideal arrangement is reasonable parenting time with the other parent on reasonable notice, since that provides the greatest flexibility. A good arrangement is a detailed parenting plan made by the parents to fit their particular needs and, more importantly, the needs of the individual child. If the parents are unable to agree, this model can be useful, unless a different parenting plan is court ordered. For most parents, this model should be considered as only a minimum direction for interaction with the children.

PARENTING TIPS referring to these parenting tips from time to time may help you master successful co-parenting.

Parents should always speak positively about one another and should firmly encourage such conduct by relatives or friends. Each parent should encourage the children to respect the other parent. Children should never be used by one parent to spy or report on the other. The basic rules of conduct and discipline should be respected so that the children receive consistent messages about appropriate behavior.

Children benefit from continued contact with all important people in their lives for whom they have an established healthy bond. Such relationships should be protected and encouraged, and all should speak positively of both parents in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. Usually the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives during times they are with their mother.

Neither parenting time nor child support is to be withheld because of either parent's failure to comply with a court order. Only the Court may enter sanctions for non-compliance. Children have a right both to support and to parenting time, neither of which is dependent upon the other. In other words, unpaid support does not mean no parenting time, and no parenting time does not mean you don't pay your support. For a violation of a support order, the remedy is to apply to the court for appropriate sanctions.

Children benefit when parents:

- Communicate with each other in a courteous manner.
- Are on time and have children ready at exchange time.
- Avoid any communication that may lead to conflict at exchange time.
- Encourage the children to carry “important” items such as clothing, toys, and security blankets with them between the parent’s homes.
- Follow reasonably similar routines for mealtime, bedtime and homework time, while respecting each parent’s right to have some different routines in their own homes.
- Communicate about rules and discipline in order to handle them in similar ways.
- Support contact with grandparents and other extended family so the children do not experience a sense of loss.
- Are flexible in developing the parenting plans to accommodate their child’s extracurricular activities and special family celebrations.
- Make time to spend alone with their children when the parent has a new partner.
- Are with their children during scheduled times and communicate with their children when they cannot be with them.
- Respect the other parent’s scheduled times with the children and do not schedule plans that will conflict.
- Discuss any proposed schedule changes directly with the other parent.
- Provide an itinerary of travel dates, destination and places where the child or parent can be reached when on vacation.
- Support the child’s relationship with the other parent and trust the other’s parenting skills.
- Assure the children that they did not cause the divorce or separation and that they do not have the power to reverse the process.
- Encourage the children in maintaining and establishing relationships with important people in the other parent’s life, including a new partner, and/or new (step) siblings.

Children are harmed when parents:

- Encourage children to choose between them.
- Make promises they do not keep.
- Criticize the other parent to the child or in the child’s range of hearing.
- Discuss their personal problems with the child or in the child’s range of hearing.
- Use the child as a messenger or negotiator or seek information about the other parent from the child.
- Withhold access to the child for any reason unless there are safety concerns.
- Involve the child in the court process or share legal information.
- Introduce a new partner without adequate preparation. Remember that children need time to grieve the loss of family as they knew it and may not be ready to accept a new partner.

Domestic Violence:

A high percentage of divorces include domestic violence on some level. Often the parties themselves do not identify the negative aspects of their relationship as abuse. That makes it difficult for a court to determine what is in the best interest of the children when domestic violence is a factor. By law, the court must take domestic violence into consideration when mapping out parental rights and responsibilities.

In trying to figure all of this out, always holding the best interests of the child as its highest priority, the court will look for believable evidence that domestic violence has occurred. If someone suffered serious bodily injury, or was threatened with a gun, or if there was a fairly recent pattern of repeated abuse, the court will assume that the parent who behaved in these ways is not the best caretaker. As a result, the court will more than likely decide that the child should live with the non-abusive parent. In the law it is called "residential responsibility."

Sometimes this arrangement just can't work and protect everyone. In those cases the court may look for a third party who can protect the child and stay neutral in parental conflicts. The court's first choice of a third party will most often be a suitable adult relative.

It is important to note that if the abused parent has had to seek help or treatment because of the abuse that *in itself* will not disqualify the parent as a caretaker with "residential responsibility" as long as the child will be safe and well cared for with him or her.

A. DEFINITIONS

"Decision making responsibility" means the responsibility to make decisions concerning the child. The term may refer to decisions on all issues or on specified issues, but not child support issues.

"Parental rights and responsibilities" means all rights and responsibilities a parent has concerning the parent's child.

"Parenting plan" means a written plan describing each parent's rights and responsibilities.

"Parenting schedule" means the schedule of when the child is in the care of each parent.

"Parenting time" means the time when the child is to be in the care of a parent.

"Primary residential responsibility" means a parent with more than fifty percent of the residential responsibility.

"Residential responsibility" means a parent's responsibility to provide a home for the child.

B. PARENTING PLAN

(Instructions for Completion: This form is designed to help parents in discussing and deciding how to address parenting issues. Parents are encouraged to tailor a plan to fit the needs of their children. Please note that some sections may not apply. Please check the boxes that apply or fill in the appropriate blanks. In the event that there is a conflict between a specific written statement by the parents, and a generalized checkbox chosen by the parents, the written statement will have priority. Feel free to attach additional worksheets to this document.)

To encourage the positive development of our children, we, as parents agree on the following parenting plan and believe that it is the most conducive to frequent and meaningful contact for the children with both parents. This plan is intended to protect the children's best interests, clarify parental authority and responsibility, reduce parental conflict, and help prevent the necessity of future court action.

I. PARTIES

A. Children:

Name or Initials	Birth Year	State of Residence for Last 6 months
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Special needs of children: special medical needs/ physical disability requires parental time / emotional disability / mental disability:

B. Parents:

Employer	Phone No.	Residential Address
Mother: _____	_____	_____
	_____	_____
	_____	_____
Father: _____	_____	_____
	_____	_____
	_____	_____

II. GENERAL PROVISIONS

- A. **Records.** Both parents may have access to the children's medical, dental, and school records. Each parent must communicate with the other parent with regard to grade reports, extra curricular activities, and any other notices from the daycare, the school and related entities concerning the children. The children's daycare and school(s) must be notified of the split households and advised to send copies of the children's school documents, notices and related information to each parent. Both parents retain the right and shall notify and authorize the daycare, the school, and the children's doctors and other professionals to communicate directly with and outside the presence of the other parent. Each parent shall be listed as the children's parent and as an emergency contact with the daycare, the school, and all health professionals unless directed by court order to the contrary. Each parent shall immediately notify the other of any medical emergencies or serious illnesses of the children. If the child is taking medications, the parents shall communicate regarding instructions, dosage, and related information.

The parent who has medical insurance coverage on the children shall supply to the other parent an insurance card and, 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.

- B. **Communication Between Parents.** The parents shall communicate only in positive ways. The parents shall not make and shall not allow others to make derogatory remarks about the other parent in the child's presence.

We believe the most positive way to communicate is by:

- a. _____
or
b. _____
or
c. _____

(Options may include telephone, e-mail, text, exchange of notebook, or face to face communication at a pre-arranged time. Parents each know how they communicate best, and the best option for the parties can be detailed by them.)

Parents should always keep each other advised of their address, telephone numbers, and emergency contact information.

- C. **Restrictions on Contact with the Children:** Until further order of the Court, the child's time with mother/father will be subject to the following conditions:

(Example, "not using alcohol", or supervised)

- D. Timeliness:** If a parent is more than _____ minutes late to pick the children up for a visit, that visit will be canceled, or:

E. Children's Clothing/Personal Items: (Check any or all that apply).

- ☐ Each parent shall supply the appropriate children's clothing with them for their scheduled time with the other parent, OR
- ☐ Each parent shall supply appropriate clothing for the children to remain at that parent's home during parenting time, OR
- ☐ _____.
- ☐ These clothes are to be considered the children's clothes and shall be returned clean (when reasonably possible) with the minor children by the other parent.
- ☐ The child shall leave personal items at each parent's home and shall not remove those items from that home.
- ☐ The child shall take personal items between each parent's home, and it is the responsibility of each parent to ensure that the personal items remain with the child.
- ☐ _____.
- ☐ Both parents shall advise, as far in advance as possible, of any special activities so that the appropriate clothing belonging to the children may be sent.
- ☐ In the winter, or cold months of the year, the children are required to have adequate boots, gloves, hats, and jackets to be provided by both parents.
- ☐ In the winter, or cold months of the year, each parent shall ensure that the children have appropriate winter clothing to wear, regardless of parenting time.

F. Neither parent will permit the child to be subjected to: (Complete blanks or check all that apply—suggested topics: alcohol, drugs, smoking environment, profane language, sexual content, violence.)

- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ Temporary Removal of the child from the state, except as agreed by the parties or authorized by the Court.
- ☐ Violations of these provisions may subject the offender to court sanctions, or, if continuous and serious, may result in modification of the parenting plan.
- ☐ We agree that violations of these terms will result in _____ (e.g. cancellation of the parenting time, modification of the parenting plan).

G. Transportation and Exchange Arrangements. Transportation and exchange arrangements for the children between parents will be as follows: (Check any and all that apply.)

- ☐ When we live in the same community, the responsibility of picking up and returning the children should be shared with pickup at _____ and drop off at _____.
- ☐ Pick up at _____
- ☐ Drop off at _____
- ☐ Alternative Pick up/Drop off at _____
- ☐ A parent may not enter the residence of the other parent, except by express invitation by that parent, regardless of whether a visiting parent retains a property interest in the residence.
- ☐ The children shall be picked up and returned to the front entrance of the appropriate residence.
- ☐ The parent dropping off the children should not leave the premises until the children are safely inside.
- ☐ Parents should refrain from surprise visits to the other parent's home.
- ☐ A parent's time with the children is his or her own, and the children's time with that parent is equally private.
- ☐ Any change in pick up or drop off location will be determined by:

- ☐ The person picking up or returning the children during times of parenting time has an obligation to be punctual, arriving at the agreed time and place, not substantially earlier or later.
- ☐ Other: _____

H. Communication – Communication between parents and children shall be liberally permitted at reasonable hours and at the expense of parent initiating contact. The children may, of course, communicate with either parent though at reasonable hours and frequencies and at the cost of the parent contacted, if there is a cost. During long vacations the parent with whom the child is on vacation should make the child available for contact _____. (for example, daily, once every 3 days). At all other times, the parent with whom the child is staying shall not refuse to allow contact or take any action in order to deny the other parent contact. Each parent should facilitate the communication between the child and the other parent. (Check any and all that apply.)

- ☐ Parents may agree on a specified time for communication to the children so that the children will be made available.
- ☐ A parent may wish to provide a child with a telephone calling card or cell phone or computer to facilitate communication with that parent.

- ☐ Each parent has an unrestricted right to send cards, letters, packages, and audio and video cassettes or CDs.
 - ☐ Children also have the same right to send items to their parents.
 - ☐ Neither parent should interfere with any of the above mentioned rights.
 - ☐ A parent may wish to provide a child with self-addressed stamped envelopes for the child's use in corresponding with that parent.
 - ☐ If the child and the parent have internet capability, communication through e-mail should be fostered and encouraged but with consideration for the number of e-mails and the amount of time spent on the computer.
 - ☐ Other: _____
-

I. Exchanging Information. Both parents shall notify the other parent in writing of any change in residence, telephone numbers, names and addresses of employers, changes in health insurance coverage for the children, and changes in health insurance available through employer which could cover the children.

J. Changes to Parenting Plan. As parents we recognize that the parenting plan imposes specific requirements and responsibilities; however, when family necessities, illnesses, or commitments reasonably so require, we will modify the parenting plan fairly. The parent requesting modification shall act in good faith and give as much notice as circumstances permit. If we cannot agree, we will look to the dispute resolution provisions in this document, or bring the matter to a parenting coordinator. We also anticipate that at some point circumstances may fundamentally change, and agree that we will review the parenting plan upon the following events: (Check any and all that apply.)

- ☐ the oldest child reaches age _____
 - ☐ if either parent intends to move more than ____ miles from his or her current residence
 - ☐ in two years
 - ☐ after recommendation of the parenting coordinator
 - ☐ after recommendation of a professional (i.e. doctor, therapist, pastor)
 - ☐ after arrest or criminal activity by one or both parties
 - ☐ upon verified chemical abuse /relapse
 - ☐ upon an agency or Court finding of child abuse or neglect by one or both parties
 - ☐ upon a court finding of domestic violence by one or both parties
 - ☐ Prolonged lack of contact with the child
 - ☐ Other: _____
-

- ☐ The parents may change this plan by agreement, but all changes must be in writing, signed, and dated by both parents.

III. RESIDENTIAL RESPONSIBILITY AND PARENTING SCHEDULE

These provisions set forth where the children will reside and what contact the children will have with each parent. As parents, we recognize that the children benefit from ongoing and frequent contact with both of us. Thus, if events beyond our control such as illness or family emergencies, prevent parenting time from occurring; we agree it is in our children's best interest to arrive at a mutually agreeable substituted parenting time, as quickly as feasible. We also recognize that there will be times that substituted parenting time will not be possible due to the children's schedules, or our own. We agree to follow our dispute resolution plan in resolving any conflict which may arise.

A. Residential Responsibility. We agree residential responsibility for our children shall be (check one):

- ☐ Shared equally between the mother and the father.
- ☐ Primary residential responsibility shall be with the father.
- ☐ Primary residential responsibility shall be with the mother.
- ☐ _____

B. The legal residence of our children for school attendance shall be (check one):

- ☐ The mother's place of residence.
- ☐ The father's place of residence.
- ☐ _____

C. **Parenting Time Schedule:** We intend the following schedule to be the ongoing consistent parenting time schedule for the children. We also recognize that there will be times when the schedule requires adaptation for the best interest of the children. We intend the following schedule to be an attempt at consistency and stability for the children: (Please fill in the following 4 week schedule with as much specificity as possible, including pick up times.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mom:	Mom:	Mom:	Mom:	Mom:	Mom:	Mom:
Dad:	Dad:	Dad:	Dad:	Dad:	Dad:	Dad:
Mom:	Mom:	Mom:	Mom:	Mom:	Mom:	Mom:
Dad:	Dad:	Dad:	Dad:	Dad:	Dad:	Dad:
Mom:	Mom:	Mom:	Mom:	Mom:	Mom:	Mom:
Dad:	Dad:	Dad:	Dad:	Dad:	Dad:	Dad:
Mom:	Mom:	Mom:	Mom:	Mom:	Mom:	Mom:
Dad:	Dad:	Dad:	Dad:	Dad:	Dad:	Dad:

Additional Detail for Parenting Time Schedule:

- D. **Alternate Schedules.** The above schedule will be the default “normal” schedule except as outlined below, or as modified by mutual agreement. The alternate schedules will be as follows:

- ☐ Summer time: Summer time is defined as: (Examples include “According to the public school calendar”; “From June 1-August 15”; or some other arrangement. Please define.)

The summer time alternate schedule will be:

- ☐ School Release Days: School Release Days are defined as: (Examples include “Days as defined by the public school calendar”; “non-holiday school breaks”, or some other arrangement, please define.)

The school release days alternate schedule will be:

Additional changes to normal parenting time schedule will be:

- ☐ Summer time/school release days with the other parent takes precedence over summer activities (such as sports), when the parenting time cannot be reasonably scheduled around such events.
- ☐ Vacation with Parents. Each parent shall have vacation with the child as follows: (Examples may include: two consecutive weeks in the summer time; two non-consecutive weeks at any time; to be scheduled during normal parenting time; only upon 30 days written notice; etc.).

- E. Schedule for Holidays and other Special Days. The parenting schedule for the children for holidays is: (Please fill in blanks with as much specificity as possible including pickup and drop off times.)

HOLIDAY/SPECIAL DAYS

	With Mother (Odd, Even, Every Year, or Regular Parenting time)	With Father (Odd, Even, Every Year, or Regular Parenting time)
New Year's Day		
Martin Luther King Day		
President's Day		
Spring Break		
Easter		
Mother's Day		
Memorial Day		
Father's Day		
July 4 th		
Labor Day		
Teacher's Conferences		
Halloween		
Veteran's Day		
Thanksgiving Day		
Winter Break		
Christmas Eve Day		
Christmas Day		
Child's Birthday		
Mother's Birthday		
Father's Birthday		

For purposes of this parenting plan, a holiday includes: (Specifically state beginning times and ending times for the holiday/special day. If you would like the holiday/special day to include the weekend if it falls during a weekend or on a Friday or a Monday, state that here. If there are any other special arrangements with regard to holidays/special days state them here.).

- F. Priorities Under the Parenting Schedule. For purposes of this parenting plan the following days have priority in the following order: (You may wish to include vacations, summer time, school release days, holidays, or some other arrangement.)

- G. Children's Activities During Parenting Time. In order to promote the development of well rounded healthy children, we both support the extra curricular activities of the children. We both agree that we will work together to ensure that the children's activities are not planned as to interfere with the relationship with either parent. We will inform each other of the children's extra curricular activities by: (You may wish to include dates/times, ways of communication, or other specific instructions for the children's activities.)

- H. We agree that if either parent misses their parenting time for any reason, we will deal with the missed time as follows: (Examples: missed parenting time is not made up, is made up the following week, a missed holiday is or is not made up.)

- I. We agree that it would be upsetting for our children if a parent misses their parenting time and does not notify the other parent in advance. Except in extreme emergencies, we agree to notify the other parent that we will not be able to exercise our scheduled parenting time as follows: (Examples: 24 hours in advance, by phone, text, etc.)

IV. DECISION MAKING

- A. Emergency Medical Decisions. Each parent is authorized to make emergency health care decisions while the children are in that parent's care.
- B. Day-to-day Decisions. Each parent is authorized to make decisions regarding the day-to-day care and control of the children while the children reside with that parent, except as provided below.
- C. Daycare/Afterschool provider: (Check all that apply)
- ☐ When we reside in the same community, we agree to use the same daycare/afterschool provider.
 - ☐ To the extent feasible, we agree to rely on each other to care for the children when the other parent is unavailable.
 - ☐ Each parent may decide to utilize the daycare/afterschool provider of their own choosing.
 - ☐ Daycare/afterschool provider will be designated by mother.
 - ☐ Daycare/afterschool provider will be designated by father.
 - ☐ The children's daycare/afterschool provider is: _____
- D. Education Decisions will be made by:
- ☐ Mother
 - ☐ Father
 - ☐ Mother and Father jointly
- E. Non-Emergency Health Care decisions will be made by:
- ☐ Mother
 - ☐ Father
 - ☐ Mother and Father jointly
- F. Insurance Matters: (Check all that apply)
- ☐ A parent who, except in an emergency, takes the children to a doctor, dentist, or other provider not so approved or qualified under the existing health care insurance should pay the additional cost thus incurred.
 - ☐ When there is a contemplated change in insurance which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration should be given by the parents to what is more important, i.e., allowing the child to remain with the original provider or taking advantage of economic or medical benefits offered by the new carrier.
 - ☐ When there is an obligation to pay medical expenses, the responsible parent shall be promptly furnished with the bill by the other parent. The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements directly with the health care provider and shall inform the other

parent of such arrangements. Insurance refunds should be promptly turned over to the parent who paid the bill for which the refund was received.

- G. Spiritual Development decisions will be made by:
- ☐ Mother
 - ☐ Father
 - ☐ Mother and Father jointly
- H. Both parents must consent before any minor child will be permitted to:
- ☐ Marry
 - ☐ Obtain a driver's license
 - ☐ Enlist in armed services
 - ☐ Get a tattoo
 - ☐ Have any body part pierced
 - ☐ _____
- I. Sole decision making belongs to:
- ☐ the mother for the following decisions and the following reasons:

 - ☐ the father for the following decisions and the following reasons:

- J. In the event of a dispute about a major decision, we will use the following tie breaker method:
- ☐ Mother will decide
 - ☐ Father will decide
 - ☐ The parties will work with a qualified third party appropriate to the decision (educator, counselor, physician, coach, clergy, mediator) to try to reach resolution. If that is not successful:
 - ☐ Mother will decide
 - ☐ Father will decide
 - ☐ _____

V. DISPUTE RESOLUTION

- A. Disputes between the parties shall be submitted to:
- ☐ Counseling
 - ☐ Mediation
 - ☐ Other _____
- B. The cost of this process will be allocated between the parties as follows based on: (Check one)
- ☐ Each parent shall pay one-half.
 - ☐ Each parent's proportional share of income from the child support worksheets.
 - ☐ As determined in the dispute resolution process.

☐ _____

- C. A parent will begin the dispute resolution process by notifying the other parent by:
- ☐ written request
 - ☐ certified mail
- D. In the dispute resolution process:
1. Preference will be given to carrying out this Parenting Plan.
 2. Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
 3. A written record will be prepared of any agreement reached in counseling or mediation and of each arbitration award and will be provided to each party.
 4. If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorneys' fees and financial sanctions to the other parent.

VI. COMPLIANCE

After this parenting plan has been made a part of a court order or judgment, repeated, unjustified violations of these provisions may subject the offender to court sanctions, or, if continuous and serious, may result in modification of the parenting plan. One parent's failure to comply with a provision of the parenting plan does not affect the other parent's obligation to comply with the parenting plan. Violation of provisions of this plan with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense. Violation of this plan may subject a violator to arrest, fines, imprisonment or sanctions or other remedies available under the law.

STATE OF NORTH DAKOTA)
 :ss
COUNTY OF _____)

_____, being first duly sworn, deposes and says that s/he is a Plaintiff in the above-entitled action, and has read the within and foregoing Parenting Plan and knows the contents thereof, and that the same is true and complete to the best of her/his knowledge, information and belief.

Dated this _____ day of _____, 20__.

Plaintiff

STATE OF NORTH DAKOTA)
 :ss
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public

STATE OF NORTH DAKOTA)
 :ss
COUNTY OF _____)

_____, being first duly sworn, deposes and says that s/he is a Defendant in the above-entitled action, and has read the within and foregoing Parenting Plan and knows the contents thereof, and that the same is true and complete to the best of her/his knowledge, information and belief.

Dated this _____ day of _____, 20__.

Defendant

STATE OF NORTH DAKOTA)
 :ss
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public