

PARENTING AND CONTACT GENERAL ORDERS

*by Circuit Judge Roger J. McDonald, Osceola County, Florida
with contributions from and thanks to the Domestic Attorneys*

(Version January 1, 2004)

SECTION 1 - GENERAL PROVISIONS

1. **IT IS NOT THE DIVORCE THAT HURTS, IT'S THE FIGHTING:**

Ending a bad marriage is healthy for both the parents and child. You may not like each other today, but you must deal with each other until the child is 18. Research shows that a child of divorced parents is no more likely to be involved in criminal activity, fail in school, or be divorced themselves than the general population. Colleges are full of children who have divorced parents, and many children of them succeed in business and the military. The adverse impact of a divorce on a child is caused by years of fighting, yelling, police coming to the home, and domestic violence - not the divorce. Years of this kind of bad behavior can cause a child to suffer from combat-type stress syndrome - like a soldier in battle.

2. **PARENT SHOCK:** If you are reading this booklet then you are most likely going through a dissolution of marriage or paternity suit. Either way, you are faced with the shock of being a single parent and having to deal with a parent you may not like or respect. You may feel confused, anxious, helpless, irritable, and puzzled as to why you have to deal with a person that you do not like - may even hate. Shock sets in when you hear the judge say, "*The law of Florida is that both parents have equal rights to be with their child. And a child also has a right to know and be with both parents - equally. Therefore, you must, whether you like it or not, participate in shared parenting. If a parent refuses, for no legal reason, then they cannot be the primary residential parent.*"

You may not know how to behave in this new environment, and that is one of the reasons

Judge McDonald has written this booklet. For many parents having to “*share*” a child takes new thinking and behaving. Frankly, it may take months or years for some parents to make shared parenting work - *but work it must*.

When a child loves, or likes the other parent, the first parent may feel like the child is disloyal or a traitor. However, the child has a legal right have an entirely different relationship with the other parent. Anger and rage against the child may arise as a result of this and if it does, then counseling should be sought. A parent cannot be the best parent until these feelings are under control.

“*Always Consult before you decide*” is the advice of Roger Fisher. He is the author of many books and audio tapes on negotiating disputes. The primary parent is allowed to make the routine daily decisions. Other more important decisions, such as holding a child back in school, medical, getting a tattoo, etc. require “***consultation and agreement***.” When the primary parent makes an important decision without consultation that says to the other parent that says they are not important in the child’s life. That is the start of many arguments.

Dr. Phil on television said, “*Parenting decisions require two (2) yes ’s.*” If both parents do not agree then there is no decision. The rule is, only make important decisions when both parents agree. A child does not belong to just one parent and parents who do not understand that are always having parenting disputes and winding up in court. Having a child is like two people owning one car. They must consult, schedule, and coordinate who drives when and where, and who pays for the gas etc.

Judge McDonald does not remember who first said the following. “***Sticks and stones may break your bones, but words will break your heart.***”

Lawyers, judges and legislators, make decisions for people who cannot make decisions for themselves. These leaders are not trained in understanding and dealing with human emotions. Therefore, if you feel any of the feelings described in this booklet then you need to talk to a COUNSELOR. There are different types of counselors. If you need a trained person to simply listen and help you think through a problem then try a *licensed mental health counselor*. If your feelings are more serious then see a *psychologist*. If you are depressed or have a family history of alcoholism or mental illness then you should see a *psychiatrist*; IF YOU FEEL YOU

NEED HELP — GET HELP!!!!

3. **HOW THIS BOOKLET IS ORGANIZED:** This schedule contains four sections starting with this introductory information and rules of good parenting. It is followed by a section on parental contact with a child less than 18 months old, then a section for contact with a child more than 18 months' old to 18 years of age, and last a section on long distance parenting.

4. **DADS ARE IMPORTANT TOO:** “.... *not too long ago society assumed that children should be cared for by their mothers after divorce and have only occasional contact with their father. Despite years of research documenting a father’s importance to his children, and changing custody laws that reflect this understanding, many people continue to regard fathers as marginally significant parents.*” This problem is what “shared parenting” is trying to correct. That statement is found in a great book called **“Divorce Poison”** by Richard A. Warshak, PhD.. Every separated parent should buy, read, and reread that book.

5. **WHY USE THIS BOOKLET & TERMS USED:** The answer is that the parents are Court ordered to follow this booklet until they can cooperate. Remember that a child does not belong to one parent. Both parents have EQUAL responsibility to support their child and EQUAL rights to be with their child.

The “***primary residential parent***” is the parent with whom the child spends over half the time. The other parent is called “***secondary residential parent***” only because the child spends less time with that parent. Some parents like to think that these terms suggest a higher degree of responsibility, or love, or legal right, but that is not true. These terms relate to time spent, not rank, love, or importance.

Visitation is an old term with many negative meanings. The current term is “***contact***.” Contact is the time spent by the child with each parent.

Each parent is entitled to “***substantial contact***” with their child. In some states frequent contact is called “*joint custody*” but in Florida it is called *substantial contact*. Every child is different and every parent has different degrees of interest and parental skill. It is expected that parents will experiment and determine what works for them. Your first plans may not work, and

misunderstandings and problems will occur, but the important thing is to learn from the past and shape a new contact schedule that works for everyone. Life is not static because school, work and life constantly changes and that is why contact schedules must change.

Everyone knows that mothers are important, but fathers are often treated like second class parents. It is *usually* in the child's best interest to have a close relationship with both parents. Fathers need to share in decision making, be actively involved in the child's social life, meet the classroom teacher and make sure the child is getting an education, and share the daily routine as much as possible. This seldom happens when a parent is an every other weekend parent. There is a growing body of research that a child that has substantial contact with both parents is better adjusted than those that only have occasional contact. A child needs to feel supported and protected by both parents. Closeness to the father is shown to have positive effects on the child's behavior, emotional adjustment, school achievement, and self image. Interviews of mothers, fathers, children, teachers and mental health professionals all found child adjustment to be better in substantial contact settings, regardless of the child's age. Also, it has been found that when one parent occasionally has contact with the other parent that there is more arguing than when they have frequent contact. Obviously, not all parents should have substantial contact and some should not have any contact. If one parent suffers from serious mental illness or divorce adjustment difficulties, is addicted to illegal drugs or consumes excessive alcohol, or other serious problems then contact should be supervised or none until the situation is corrected. *see "Journal of Family Psychology" 2002, vol. 16, No. 1, pages 91-102;*

6. **CHILD SUPPORT & CONTACT:**

6.1 Nonpayment or late payment of child support is NOT a reason to deny contact. Conversely, denial of contact is NOT justification for nonpayment or late payment of child support. Child support and child contact are separate issues.

6.2 Contempt of court is the appropriate remedy for these problems. Contact your attorney when these problems become an issue that you cannot resolve - but do not wait too long. "Stupid is, as stupid does," says Forest Gump. Not paying child support would never cross Gump's mind because he is too smart. Gump knows that Judge McDonald will not be happy if you don't pay, and you have to be really stupid to make Judge McDonald unhappy.

The parent paying child support pays better when they have a strong parent-child bond. This can only happen when there is substantial contact. Money issues like paying child support, and medicals bills etc. should NEVER TAKE PLACE AT THE TIME OF PICKUP OR RETURN OF THE CHILD. This involves the child in an adult conversation because all children have big ears. In a study done by *Jaffee, Wolfe, & Wilson*, in 1990, they found that 78% of children could provide detailed recollections of verbal and or physical fighting in the home, even though the parents said the children were not present. You should pick a specific time, when the child is not at home or wherever you meet, to discuss money issues.

7. **CONTACT IS PRIMARILY FOR THE BENEFIT OF THE CHILD:**

The parent with whom the child lives most of the time has the responsibility to encourage contact between the other parent and child. Neither parent should tolerate negative behavior and anger by the child toward the other parent. When a child is allowed to be disrespectful to one parent then it is only a matter of time before they are disrespectful to both parents. When a child complains to one parent about the other parent then the child should be told to speak to the other parent. When a child is with a parent then they are under that parent's control and rules. It is best to have house rules that are similar in each house.

Contact with both parents is the legal right of the child. This issue is generally put in terms of a parent's right to be with their child, but it is equally true that it is the child's right to be with each parent. Refusal to allow contact is a violation of law and contempt of court. Sanctions such as "makeup contact" or temporary change of primary residential parent can result from such refusal.

Favorable memories bond together a parent and child. Lucky for parents a child forgets the bad times. Good times cannot occur if there is little or no contact. Therefore, the Court will enforce contact so that good memories have a chance to occur.

A way of understanding the importance of parental involvement in the life of a child is to understand the phrase, "*the fabric of our lives.*" Fabric is made up of individual strands of material which are all woven together. Life is made up of events such as holidays, deaths, births,

and so on. Therefore, both parents, regardless of how they may feel about the other, should be present and participate in the important events of their child's life. It could be as coach, teacher's aid, driving, or otherwise.

8. **REVIEW, CHANGES & MEDIATION, NOT LITIGATION:** Each parent has the right to reconsider parts of this schedule after twelve months of use. Experience will show what works or does not. As the child gets older, their needs change, and this schedule will need to change. In the beginning, however, this schedule can help parents see what is reasonable. If one parent believes that this schedule is no longer working for the child then they must first TALK to the other parent, and explain their concerns, and review all possible solutions. If that fails, then MEDIATION is required. The Court system now offers domestic mediation at the request of any party without the necessity of litigation. "*Pre-filing mediation*" is an attempt by the Court system to help people resolve their own disputes without litigation, and only turning to the courts as a last resort. Many people are successfully using pre-litigation mediation. For a mediated agreement to be binding it must be submitted to the court for review and acceptance. Otherwise, it is not legally enforceable. Each party is to pay 50% of the mediation fee. If either parent asks for mediation and the other parent will not cooperate then that will be evidence of a negative attitude toward shared parenting. Only after mediation has failed may a party have their attorney file motions or pleadings for a court determination. The party who is uncooperative may be liable for the attorney's fees for forcing the issue to court. In other words, the golden rule is to share a child's time, make joint decisions, and be a good example to your child. Sadly, some parents love fighting more than they love their child.

If the child is of sufficient maturity then the mediator should consult with the child privately so that the child's views and needs are considered when creating a contact schedule.

9. **KEY TO MAKING SHARED PARENTING WORK:**

9.1 Acceptance: The Key to making shared parenting work is acceptance of the reality that life has changed and new ways of parenting are required. The best statement of this reality is the non-sectarian "Serenity Prayer." "*God, grant me the serenity to accept the things I cannot*

change, courage to change the things I can, and the wisdom to know the difference.”

9.2 Everything You Need to Know About Parenting You Learned in Kindergarten: To make shared parenting work, you learned in kindergarten: take turns, *be nice*, don't talk when others are talking, listen, speak kindly, don't tell lies, keep your hands and feet to yourself, no yelling - always talk in a normal tone, be nice, don't call people bad names, *be nice*, share, be on time, *be nice*, share, *be nice*, and return everything to its place, and *be nice*.

10. **DINNER TIME IS SACRED:**

10.1 Psychologist Judith Wallerstein interviewed several hundred children and found that most of the children who had good relationships with their parents talked about supper time as an important family event. Each parent should arrange to eat with their child whether it be at home or take the child to a cafeteria or a fast food place. The effort to have “*sit-down meals*” together most evenings will be remembered years later by your child, even if they complain about it now. You should avoid using this time to scold or preach to your child. You should make it an enjoyable happy time. Sunday dinner has always been a special event in times past, and it is still a good idea today.

10.2 Silence is a killer at the dinner table. In order to avoid silence you should go around the table and ask question of everyone present such as:

“What was the funniest thing that happened at school this week / today?”

“What was the best thing that happened this week / today?”

“What was the dumbest thing that happened this week / today?”

“What was the worst thing that happened this week / today?”

“Who is your best friend this week?”

From these types of questions conversation may occur. At first you will receive resistance, but persist - no one said being a parent was easy.

11. **TAKE TIME TO PLAY WITH YOUR KIDS:** What bonds a parent and a child? It is no different from what bonds adults - memories; doing things together, experiencing the extremes of joy and sadness, living, loving, and laughing together. That is the *glue* that emotionally binds people. If you think about your closest friends, what you remember

are the good times. Therefore, take time to play and laugh with your kids in order to build the memories that you will need to carry the two of you through the bad times.

12. **A PARENT IS NOT A FRIEND, KIDS NEED RULES & MANNERS, GREAT KIDS ARE MADE - NOT BORN:**

H

12.1 *“A Weekend Parent is not a Weakened Parent”*: Both parents should have high moral standards, reasonable rules for the child, and be in charge. Otherwise, the child will boss the parent, and that will cause discipline problems. A parent should not be afraid to say, *“I love you and want the best for you, but I am the parent and you are the child which means that I am in charge and you must obey. We can talk about issues, but as the parent I have the final say. When you are a parent you can have the final say.”*

12.2 *Rules of Good Conduct*: Each parent is required to set reasonable rules for the feeding, sleeping, educating, and moral training of a child. A child expects rules and must be taught to follow them. Rules of good conduct should be enforced. This includes teaching the child to do their homework, not to lie, not to cheat or steal, to be kind to others, to try their best, etc.. This not only makes for a happier parent, but also a happier child. A child thrives with structure and consistent enforcement. Each parent may have their own rules, but when possible both homes should have similar rules. A parent who does not enforce rules is just a friend.

12.3 *Manners*: Manners are how people treat each other. Good manners, like oil in a car engine, makes life run smoother. Each parent is expected to teach and enforce good manners. Knowing good manners is as important as knowing the law. Law is based in large part on manners. A child should talk respectfully. A child should be respectful to all adults, especially their teachers. Each parent should try their best to raise well behaved children, and that starts with good manners.

12.4 *A Child is a Little Sponge*: Everything that a child sees and hears is absorbed by the child’s mind. This is the reason a parent must set a good example. Games, television, and movies should be censored by both parent. Pornography, violence, prejudice, violence against women or people who are different, should all be prohibited. All these things pollute the child’s mind and spirit.

12.5 Discipline - Training: The law allows spanking of children by their parents - but not beating. Even though spanking is legal, it is not advisable. All hitting does is teach the child that it is acceptable to hit someone when you are mad at them. How should a child be trained to do and be good, and grow to be a kind and considerate person? The answer can be found at “*Sea World*.” Sea World trains seals to behave and do remarkable things. They do this by positive reinforcement. That is, they train by praise communicated through tone of voice, affection, clapping, petting, hugs, or rewards. They do not use negative acts like yelling, cursing, and hitting. *All negative acts do, is teach the student to cower or be mean - children too.* Therefore, if a child is misbehaving let the child know in no uncertain terms (*no cursing or degrading words*) that you are not pleased with their actions and it will not be allowed. Punishment like taking away privileges, television - phone - curfews, computer, or the “silent treatment” etc. are all adequate for the job. Little ones will do almost anything for a gold star or any type of reward. Also, hugs, reading to them, and words of praise are always appreciated by children. Remember, **“*Be sparing with your criticism, and lavish with your praise.*”**

On this same subject, softness is better than hardness. This is the lesson learned from “*The Man Who Listens to Horses*” written by Monty Roberts. Another book is “*The Faraway Horses*” by Buck Brannaman and Phil Reynolds. These two books are written by tough cowboys who no one can call weak. If you want to know what you are doing wrong and what right to do in raising your child then buy both of these books and read them. No one is born knowing how to be a good parent. It is learned by example and study. The books recommended by Judge McDonald are all aimed at helping you become a better parent. Benjamin Franklin, he was one of America’s founding fathers, said it best. “*The love of praise is universal, man or animal.*” Judge McDonald says, “*Everyone will work for praise.*”

12.6 *Your Child Should NOT be Your “Best Friend”*: A parent who is under stress and who needs to talk and receive *mature advice* should never use the child as their best friend or therapist. The child is a young, immature, inexperienced person who is not capable of giving mature advice. But often a desperate parent does just that. This does great harm to the child and leaves the parent in no better emotional shape. Therefore, you . . .

Should not confide personal ideas or feelings to the child.

Should not make the child your equal.

Should not consider the child your “best friend.”

Should not ask the child if the parent is right or wrong or if the other parent is right or wrong - the answer should be what an adult believes.

Should not make the child believe that it is the child and parent against the world.

Parents who violate these rules wind up with a child who is depressed, neurotic, overly emotional, hostile, and obsessed about their parent’s domestic problems. Consumed with these emotions, the child suffers a loss of their childhood innocence and joy. If a parent is looking for a way to destroy a child then there is no better way than to violate these rules.

12.7 *A Great Example:* It does not matter who you are, where you come from, or what your first language is, but it does matter how you act. Judge McDonald read in the Orlando Sentinel about a remarkable family that is an example of how to raise a family married or single. Ray and Rose Chavez, a working class couple, raised five children who all went to college. The Chavez children did not have any economic advantages, but the advantage they did have was two parents who had high standards, reasonable rules, and were willing to make sacrifices for them. Mr. Chavez said, “*My Wife and I understood that education would make life better for our children. We devoted ourselves to giving our children a first-rate education.*” They bought a children’s encyclopedia, and Mr. and Ms Chavez took turns nightly reading it to their young children until the children could read the encyclopedia to the parents. The Chavezes created a home environment that encouraged learning. They required each child to pick and learn a musical instrument and play it to the family each night after dinner. They also controlled who their children’s friends were. Bad kids were not allowed to be friends. The Chavezes took part in almost all the children’s activities. They restricted television to positive nonviolent programs like “*60 Minutes.*” They only played classical music in the home. They sat next to the children as they did their homework and had the children explain what and why they were doing something. If the parents did not know an answer the child would find out the answer and tell the parent the next day. They had plenty of books in the home and made time at night to read. Mr. Chavez rode a bike to work five miles, and both parents ate lots of peanut butter and jelly sandwiches for lunch. Chicken, beans and rice, and soups were made every possible way for dinner. All the family money went to summer school costs, music lessons, and time spent together. Sacrifice is the key to success says Mr. and Ms Chevez. If they can do it, so can you.

12.8 *Hard Work, Honesty, and Meticulous Attention to Detail:* Mr. Wen Chung was a

small boy on a poor farm in China. He made it to America as a teenager. He is now wealthy, and a respected land developer. Judge McDonald had lunch with him recently. The obvious question was how did he become so successful? He said, *“Education is the ticket to success in America. Without it, you cannot be successful. Also, he learned English as soon as possible. He ate little, spent less, and studied and made his way through college and received a master’s degree in engineering at the University of Florida. As an employee he was “extremely honest, “hardworking,” and “tireless.” He was promoted and learned the construction field in meticulous detail. Eventually, he started his own business, because he knew how to do every job, even the smallest ones. He was polite to everyone, from the bank president to the day laborer. To summarize, he said that if all parents would teach their child to respect “hard work” and be “absolutely honest” and “meticulous in attention to detail” they will raise a successful child.*

12.9 In court every day Judge McDonald has people of every race and nationality appearing as successful lawyers, law enforcement, and professionals. There is no excuse for not being the best you can be, or raising your children to be their best.

13. **PICKUP AND RETRIEVAL OF CHILD:**

13.1 Two Homes: It is a fact, not to be ignored, that the child has two homes and should have clothes, toys, and their own space to feel secure and comfortable at each house. The parents should talk about what is needed at each home and what should be taken back and forth.

13.2 Pickup by Secondary Parent: The secondary residential parent shall pick up the child from the home of the primary residential parent, or at an agreed place.

13.3 Pickup by Primary Parent: The primary residential parent shall pickup the child from the secondary residential parent’s home, or at an agreed place. Some parents have been involved in domestic violence, or cannot meet without getting into an argument, and therefore pickup and return for those parents should NOT be at the residence of either parent or in a remote location. Either parent can insist, and the Court will enforce, pickup and return at a police station, sheriff’s department, public library, hospital waiting room, park or inside a mall where there are other people.

13.4 Who May Pickup: A parent’s spouse, companion, grandparent or other

responsible adult may substitute for the parent in transporting the child to and from contact.

13.5 How Long to Wait: A child shall be picked up no later than thirty (30) minutes after the scheduled time. The parent picking up shall call if they are going to be late. Unless otherwise agreed, after 30 minutes of waiting contact is canceled and the parent may leave. If the parent picking up is late more than three times over three months, the waiting time is reduced to twenty (20) minutes. Makeup time is not provided for parents who are consistently late.

14. **CANCELLATION OF CONTACT:** A child looks forward to seeing a parent on the scheduled contact date. When the parent does not show up the child feels “stood up.” This may happen on occasion, but it should not happen very often. Frequent “standing up” of the child will be a basis for suspending temporarily child contact. Also, it is a legal basis for child support to be raised to the 5% maximum of existing support. This can be done by motion filed by the attorney and is not a modification of child support so long as it is within the original guidelines.

15. **MEDICATION, ILLNESS, OR ACCIDENT:**

15.1 Give Medicine: If medication or physical therapy has been prescribed by the child’s physician, then both parents shall maintain it.

15.2 Know Doctor: Both parents are expected to be informed of and attend all doctor appointments. Each parent has equal rights to all medical records. The child’s doctor's name and phone number shall be provided to both parents.

15.3 Medical Emergency: In the event of a serious illness or accident involving the child, the other parent shall immediately be notified.

15.4 Sickness is not an Emergency: The minor illness of the child shall not prevent contact by the other parent. The secondary parent can and should care for the sick child. The reason for this rule is that some parents use minor sickness as an excuse for not allowing contact by the other parent. If a parent misses contact due to illness then make up time shall be provided as soon as possible.

15.5 Proof of Insurance: The parent who carries major medical insurance shall

provide the other parent with proof of insurance - medical card.

15.6 Reasonableness: No set of rules can anticipate every change in circumstances. The Court expects both parents to be reasonable and make the general intent of this document work. Florida law requires that both parents “encourage and facilitate” shared parenting.

16. COMMUNICATIONS:

16.1 Phone calls: Many secondary parents complain about the amount of time a child spends on the telephone or computer talking with friends or the other parent during their contact time. It is important for both parents and child to discuss this issue. Time limits may be necessary because some parents abuse phone calls. Normally they are limited to no more than two calls per week, for 5-10 minutes. It can be 7:00 a.m. on school days or after dinner. It is not required that the child be kept at home every night to receive a call. But when the child returns home and the answer machine or caller identification shows that the child has missed a call, then the child should call the other parent.

16.2 E-Mail: It is important for the child to have the ability to send and receive **e-mail** at each parent's home. This helps reduce the feeling of being out of touch with friends and the other parent. Most families should purchase, but this is not ordered, a computer so that the child can communicate by e-mail. Also, this is a good way for the parents to communicate with each other through the year. They should save their e-mails to and from the child and the other parent.

16.3 Audio or Video Tapes: Video tapes or D.V.D.s from the other parent are enjoyed by most children. They can play them repeatedly when they miss the other parent. The tapes can also be sent back and forth.

16.4 Written Communications: Each parent shall immediately deliver to the child all letters, cards, gifts, toys, clothes and other items sent by the other parent.

16.5 Trip Itinerary: If a parent plans a vacation or trip out of town with the child then that parent must provide the other parent with an itinerary, which includes addresses where they will be staying, the phone number of those places, and the dates of departure and return.

16.6 Numbers: Home, work, fax, and e-mail numbers must be exchanged by the parents. Fax machines are inexpensive so there is no reason the child cannot have their own fax machine. Also, it is permissible for parents to provide pagers for their child to use. However,

work numbers shall not be used except for emergencies or with permission from the other parent.

17. **ACTIVITIES OF THE CHILD:** A child is kept out of trouble best by keeping them involved in extracurricular activities. The parents shall discuss what activities the child likes and how much they cost. Child support does not cover extracurricular activities or summer camps. These expenses, if affordable, should be shared in the same percentage as child support. Both parents are entitled to attend and participate in special activities of the child. Each parent shall advise the other parent of all extracurricular activities and events of the child. If an activity happens on the secondary parent's weekend or during the summer then the secondary parent must take the child unless there is a valid reason, like work, and then the secondary parent shall make the necessary transportation arrangements. If the issue of summer school comes up and if it is required or reasonably necessary the parent with the child shall adjust their summer plans to accommodate summer school. Failure to take a child to extracurricular activities is a reason to temporarily suspend contact and no make up time will be provided.

18. **TWO HOMES & ALIENATION:**

18.1 *Two Homes:* “*You live with mommy, you only visit daddy!*” This simple statement angers the daddy and confuses the child. Home is an emotional term that is more than bricks and drywall. Home is where the heart is. Every child wants to feel at home when they are with either parent. The child is to be told that they have two homes and in turn each parent has an obligation to make the child feel at home - which means more than a cot in the corner.

18.2 *Parental Alienation:* Also, the above statement may be the beginning of parental alienation. The best book this Court has read on parental alienation is “***Divorce Poison***” by Dr. Richard A. Warshak. Bad mouthing (occasional put downs by the other parent), badgering (continuous put downs), and brainwashing (intentional changing the child's mind against the other parent) are well-known actions and will be dealt with decisively by the court. Those actions can be considered child abuse. Also, the custody of the child may be temporarily changed for a few weeks or months to allow the “target” parent to repair and heal their relationship.

18.2.1 Dr. Warshak's book gives many examples of brainwashing that is designed to alienate the child from the "target" parent. The alienating parent can truthfully say they she or he never told the child any negative things, because all they did was ask simple questions.

Phone call to a child when the child is with the target Parent - Purpose is to instill fear or diminish joy of the visit:

"Are you ok dear?"

"I really miss you and cannot wait for you to be home safe and sound."

"I miss you and your dog, bird, teddy bear, grandparents, and the whole house misses you."

"Has anything bad happened yet?"

Child Returns from being with target parent - Purpose is to instill fear:

"Did anything bad happen this weekend?"

"Did anyone do anything bad to you this weekend?"

18.2.2 An oasis of Peace: When a child is being subjected to the storm of hate and alienation, the best thing the target parent can do is make their home an "oasis of peace." The child will notice the difference and drift toward the refreshing, positive, peaceful home, and see the other home for what it is. When you have proof of alienation immediate legal action should be taken.

18.2.3 Estrangement: A child has feelings and opinions about each parent. If a parent has abused a child, abused the other parent in the child's presence, or been mean, inconsiderate and nasty to the child, then the child will be estranged against that parent. Some parents, who are mean and nasty people, come to court and accuse the other parent of alienating the child, when in fact the child is estranged because of their actions. "Estrangement" is a concept often confused with alienation. The difference is that alienation is brainwashing of a child by the a parent, while estrangement is caused by the bad acts of the complaining parent.

18.2.4 Honor Your Father and Your Mother: Every religion that Judge McDonald has ever heard of has this same golden rule, that is, that all children are to honor their parents. Entire cultures, such as the Asian culture, are built upon parental respect. It is not an

option for a child to respect or disrespect a parent. When a child speaks disrespectfully about either parent then the other parent is ORDERED to correct the child on the spot and tell them to never do that again. To allow a child to turn against a parent or show disrespect is a reason to change custody, temporarily or permanently, in order to give the “target” of the disrespect an opportunity to repair the damage. A child who learns to be disrespectful to their parents will be disrespectful to teachers, employers, laws of society, and wind up having relationship troubles in life. A survey of prison inmates found disrespect for their parents to be a common feeling among the inmates.

19. **INTENT TO RELOCATE BY PRIMARY RESIDENTIAL PARENT:**

If either party wants to move and it will impact parental contact then the moving parent shall discuss the move and how best to maintain contact with the child. It is the right of the child to be with each parent. Agreements should be made to keep each parent substantially involved in the child’s life. See the section on “long distance” parenting. Also, remember, first talk, then mediate, before you litigate.

20. **NEW SPOUSE OR COMPANION:**

20.1 It is inevitable that a new companion or spouse will be present in each parent’s life. A remarriage or long term live-in relationship is the major cause of post dissolution litigation. The new partner may try to be a “mommy” or “daddy” and that makes the real parent angry and hurt. The child may also become angry or upset because he or she now must face the fact that their parents are not going to get back together. Even years after the breakup children have the hope of reconciliation. There have been many court battles started when the child goes CRAZY and makes false allegations because of this type of disappointment. Children are not above causing problems between the parents just to punish both parents for not getting back together. Manipulation by children is common. Children are not the innocent little angels that their parents would like to think they are.

20.2 Marriage to a new person often ignites old rages and hostilities, in both adults and

children. The best remedy is not legal, but counseling. Look for serious, sustained, negative attitudes and actions of the child or former spouse for a warning. When the signs first appear, even before the new marriage, everyone must start counseling to make sure old hostilities do not resurface. A few hundred dollars spent on counseling is better than thousands on litigation.

20.3 After one of the parents remarries it is appropriate for the new spouse, both parents, and child to get together and create new lines of communications; and this takes time. Everyone should meet several times over coffee, or in the office of a counselor, and discuss their feelings and how everyone will live with mutual respect or at the very minimum how to leave each other alone. See ***Divorce Poison*** for a good discussion of this issue.

20.4 The new partner may tell the child what to do and impose minor discipline like “time out.” But major discipline like spanking should only be done by a parent.

20.5 The parents shall not encourage or allow the child to call a new spouse or companion “Father,” “Dad,” “Mother,” “Mom,” or similar names, as those words are detrimental to the child’s relationship with their biological parent. Also, it threatens the real parent with being replaced. They naturally will defend their parent-child territory. Also, the former spouse or companion may feel rejected or angry or insecure and those real feelings will cause problems. A substitute name shall be suggested or encouraged and used. Usually the child will come up with a name that is particular to the new person. Millions of parents are remarried and children do NOT call the new person mom or dad. Mommy or daddy is a rank in the parental chain of command. That is, mommy or daddy is the boss and child is subordinate. A boss tells the subordinate what to do, and the subordinate is required to obey. To let someone else be called mommy or daddy is to undermine the authority of the real parent. Also, to call the biological parent by their name - John, Mary, - is to degrade that parent to a mere friend.

21. **DEATH OF PRIMARY PARENT:** Parents who use this schedule are usually not at the age where death is on their mind. Some of you will die of accidents or diseases in the next few years. If the primary parent dies then the other biological parent has the legal right to have custody of the child. If the secondary parent is prevented from having a good relationship with the child then it makes it difficult for the child when the primary parent dies. Not only does the child have to grieve for the lost parent, but they also have to adjust to a parent who they

may not know, or worse a parent who they may hate. Also, a primary parent may become ill or be involved in a serious accident, and need help caring for the child. Occasionally a parent goes to prison. All kinds of things can and do happen. Therefore, the child should have a good relationship with both biological parents. Stepparents have no legal right to custody and so if there is a tragedy the stepparent will not be the custodial parent.

22. **TAPE RECORDING:** If there is hostility, cursing, intimidation, between the parents, or suspected inappropriate statements to the child then either parent may have their attorney file a motion to tape record their conversations and those of the child and other parent. THIS MAY NOT BE DONE WITHOUT PRIOR Court APPROVAL AND NOTICE TO THE OTHER SIDE OR WRITTEN AGREEMENT OF THE OTHER SIDE.

23. **PSYCHOLOGICAL TESTING AND COUNSELING:**

23.1 *Serious Problems with Child:* If a parent believes that there is something going on in the child's life that is harmful, such as parental alienation, sexual abuse, child abuse, or other serious concerns then that parent shall first talk to the other parent. The other parent may also be concerned about the same thing, but may be afraid to talk. Failure to communicate, to be open and honest, is the biggest obstacle to solving problems. If talking does not help, stop contact by the other parent, and have your attorney contact them with a reasonable solution or a request to go to mediation. If that also fails, then the attorney should file a motion for psychological testing or other judicial action. If the court must intervene, the court will determine if there is a reasonable basis to enter an order granting testing or other remedy. Psychological testing is not something done just on a whim or suspicion. It delivers a message to the child that something is wrong with them or the other parent which can have serious long term negative consequences on the child-parent relationship. Judges often order one or both parents to be tested if there is something questionable about the child. This can lead to thousands of dollars of expense for psychologists, attorneys, and loss of time from work. *(The Court is the last remedy, not the first. A good attorney is a "PROBLEM SOLVER" not a problem maker. If your attorney just wants to go to court, and has no better ideas, then you HAVE the WRONG TYPE*

OF ATTORNEY. The attorney who agrees to destroy the other parent is the WORST type of attorney and THIS Court WILL JUDGE YOU BY WHAT TYPE OF ATTORNEY YOU HIRE TO REPRESENT YOUR POSITION.)

23.2 Less Serious Problems with Child: If a child needs counseling then both parents should discuss why the need exists, how it should be met, how to pay for it, and what type of counselor to use.

23.3 The Problem May be YOU: The *Orlando Sentinel* reported September 1, 2002 that the American Psychiatric Association is considering defining certain “family squabbles” as a form of mental illness. It will be called “Relational Disorders.” People who fit this diagnoses are those who are mentally healthy except for when it comes to family or personal relationships. They are former couples (married or not) who constantly quarrel. One or both of them may need medicines to turn off the hostility and anger directed to the other partner. Judge McDonald has seen middle class couples spend the amount of one or two college educations on attorney’s fees on family squabbles. They are like two pit bulls fighting to the death over a bone (child). It is not really over the bone, but it is all about POWER, CONTROL, AND PUNISHMENT. The legal system is not the correct remedy for these cases and can only act as a gate keeper to identify this illness and order the parents, one or both, to a mental health provider. Therefore, if you see yourself in this paragraph then save the attorney’s fees and court time and get thee to a psychologist!

24. **SCHOOL & DAYCARE INVOLVEMENT:**

24.1 Daycare Choice: Except in the event of an emergency, the secondary parent shall not remove the child from daycare or school or baby sitter, unless the primary parent knows about it in advance. The choice of daycare must be discussed by both parents and if possible one should be chosen that is convenient for both parents.

24.2 Importance of School: A child’s school performance is very important. The Court expects both parents, when the child is with them, to make sure the child is not tardy, or does not skip school, or fail to do homework. Some of these problems can be a basis to modify who should be the primary parent. Why does the court system consider education and particularly reading so important, even to the extent of changing custody? It is important for a

child to learn to read English by age 9 - third grade. If a child cannot read English by third grade then they cannot learn any other subject. Students fall behind in grammar, spelling, history, math, science, and social studies in middle and high school when they cannot read well. A poor reader will be a poor student and a poor student grows up to be a poor person. If you cannot read, then you cannot make money. Modern American society is an INFORMATION AGE society, and this requires workers who read very well.

24.3 Meet Teacher & Have Parent - Teacher Meetings: Each parent must be concerned with the child's school progress. Both parents are to take part in parent - teacher meetings.

24.4 Homework, Teacher Report of Misbehavior, & Report Cards: Both parents are to work together to make sure the child succeeds in school. When the child is with either parent the child is to do their homework and the parent is to check the homework and make sure it is correct. Also, all teacher's reports on the child's behavior or academic progress shall be copied by the primary parent and given to the secondary parent the next time the child is picked up. Many parents use a "*parenting notebook*." It contains teacher's comments, report cards, homework assignments and work, school calendar, medical provider names, addresses and phone number. It should go with the child to each home.

24.5 School & Daycare Emergency Information: The primary parent shall make sure, and so may the secondary parent, that the school or daycare has both parents names, addresses, phone number at work, home, beeper, and cell phone for emergency purposes. Also, a new spouse's name and phone number can be listed as a third contact person. Remember, the child belongs to the biological parents, not the de jure spouses.

25. **BODY PIERCING & TATTOOS:** Body piercing, ear piercing, and tattoos are important issues to many parents and it comes up in court occasionally. Therefore, both parents must agree before a child is allowed to have piercing or permanent tattoos. If there is no agreement then there is no piercing or tattooing. If a child or parent disregards this provision then it should be corrected if possible. Also, this type of failure to communicate, plus other reasons can form a basis to change custody or suspend contact.

26. **RELIGION:** From the court's perspective all religions are equal. The parent who has contact with the child on the day of worship may or may not require the child to attend a place of worship.

27. **DO NOT SCHEDULE ANYTHING ON OTHER PARENT'S**

TIME: A child's time with each parent is that parent's time to control. Neither parent shall schedule or encourage or commit the child to any type of activity *without first speaking* with the other parent and securing their agreement. A parent who has not agreed does not have to take the child to an activity. Agreed activity means that whichever parents has the child they shall arrange to take and pickup the child from the activity. When it comes to medical appointments, the primary parent shall try to schedule all medical appointments on their time and give notice to the other parent as soon as possible.

28. **CHILD 15 & OLDER:**

28.1 There comes a time in a child's life when their needs and desires should be considered when setting up a contact schedule. When a child reaches about 15 years of age, although some children mature quicker than others, they should be made part of the planning of the yearly contact calendar. But the child does not have a veto on the plans.

28.2 Also, psychologists find that the biggest need of adolescents is to be "*listened to*" by someone who cares about them. Listening requires a person to stop what they are doing, look at their child, listen and try to understand what is being said and to recognize the hidden messages. Teenagers want this new person that they are becoming to be recognized and respected. Adults listen to people they respect. Acceptance and respect are all the adolescent wants. Some teenagers join gangs and tell sociologists (people who study why groups do things) that they joined because they wanted to be accepted, to feel important, and for someone to care about their feelings. A child will either get acceptance from strangers or family - but they will seek it from someone, why not their parents?

28.3 Acceptance means hearing what you don't want to hear. That is, adolescence is a

time for teenage experimentation. They will say things, do things, and look different from the “child” you raised. But a parent only has two choices, either acceptance or rejection. Acceptance requires a parent to listen, understand, and to balance the needs of the child to experiment, with the needs of a family to set limits.

28.4 Adolescence is the loneliest time of life. Loneliness is separation from others. The loss of a family unit, even a bad one, can cause depression and loneliness. This involves feelings of abandonment by one or both parents, and loss of identity. Loneliness mixed with depression can lead to suicide. Teenagers have the highest rate of suicide. Be involved in the child’s life to prevent such tragedies.

29. **LET THEM READ THIS DOCUMENT:**

29.1 This schedule affects the life of your child. It restricts their freedom to come and go, and makes their life different. The best way to answer a child’s questions about their future is to let them read this booklet and then sit down with them and answer their questions. It would be best if both parents did it together. This will help bring out misinterpretations early on and the parents can reach a mutual understanding of these terms. Information relieves insecurity in a child.

29.2 NEVER LIE, but a parent does not have to tell everything they know. When it comes to some questions, it is better not to answer the question. Do not be afraid to tell the child that their question is an “adult issue” and that you will not discuss it with them. A parent should have a private life.

30. **GRANDPARENTS, AUNTS AND UNCLES ETC.:** *“A tree without roots is easily blown over.”* Children who have a large family, both mother’s side and father’s side, are usually more secure and able to handle the dissolution of their parent’s marriage. The extended family is a bond that supports a child’s life, when all else appears to be falling apart. While relatives should not be encouraged to take sides in the divorce, they should be encouraged to be more involved with the child. Grandparents should be encouraged to have Sunday dinner

for the entire family, even if dinner is picked up because grandmother works and does not have time to cook. This is acceptable because it is getting together that counts. Children and their aunts, uncles, cousins, and grandparents should all get together monthly or more often. Trips to see family members are important.

31. **SANTA CLAUS PARENT:** The Santa Claus Parent is one who shows up for a few days or weeks each year and takes the kids to Disney and showers them with presents. The other parent cannot change this and it is better ignored. A child can be bribed for a short time, but will learn which parent can be depended upon on a day to day basis.

32. **GOLDEN RULE OF PARENTAL CONTACT:**

Do unto others as you would want them to do unto you.

33. **CHILDREN LEARN WHAT THEY LIVE:**

IF a child lives with *criticism*, they learn to condemn.

IF a child lives with *hostility*, they learn to fight.

IF a child lives with *ridicule*, they learn to be shy.

IF a child lives with *shame*, they learn to feel guilty.

IF a child lives with *tolerance*, they learn to be patient.

IF a child lives with *encouragement*, they learn to be confident.

IF a child lives with *praise*, they learn to appreciate.

IF a child lives with *fairness*, they learn justice.

IF a child lives with *security*, they learn to relax.

IF a child lives with *approval*, they learn to like themselves.

IF a child lives with *acceptance and friendship*, they learn to love.

Values are not taught, but they are absorbed. Children learn by what they see and hear a parent do and say. Words are cheap, hypocrites are many, and children know it. *Being a good*

example is the best way to teach proper values.

34. **ADVICE FROM BILL GATES:** Raising a child is not easy, even for a married couple. The following advice is true and may help.

Bill Gates' speech to a high school graduation class - 2001

RULE 1: Life is not fair - get used to it.

RULE 2: The world won't care about your self-esteem. The world will expect you to accomplish something BEFORE you feel good about yourself.

RULE 3: You will NOT make \$40,000 a year right out of high school. You won't be a vice president with a car phone, until you earn both.

RULE 4: If you think your teacher is tough, wait until you get a boss. He doesn't have tenure.

RULE 5: Flipping burgers is not beneath your dignity. Your grandparents had a different word for burger flipping - they called it opportunity.

RULE 6: If you mess up, it's not your parents' fault, so don't whine about your mistakes, learn from them.

RULE 7: Before you were born, your parents weren't as boring as they are now. They got that way from paying your bills, cleaning your clothes and listening to you talk about how cool you are. So before you save the rain forest from the parasites of your parent's generation, try de-lousing the closet in your own room.

RULE 8: Your school may have done away with winners and losers, but life has not. In some schools they have abolished failing grades and they'll give you as many times as you want to get the right answer. This doesn't bear the slightest resemblance to ANYTHING in real life.

RULE 9: Life is not divided into semesters. You don't get summers off and very few employers are interested in helping you find yourself. Do that on your own time.

RULE 10: Television is NOT real life. In real life people actually have to leave the coffee shop and go to jobs.

RULE 11: Be nice to nerds. Chances are you'll end up working for one.

SECTION 2 - INFANT UP TO 18 MONTHS OLD

The following statements are about infants and are summarized from the famous book by Dr. T. Berry Brazelton, a pediatrician for over 50 years, and titled "*Teach More, Love More.*" Three days after birth, a newborn will choose the mother's voice above all others. At six to eight weeks the baby will know the important people in their life. They will respond to each person differently which is an early sign of mental development. At about 6 weeks a nurtured and healthy baby will be smiling, vocalizing and responsive to sounds of certain voices, sounds generally, and movements. By eight months, before many infants crawl, it is apparent which babies feel good about themselves and which do not. The most important years of a person's development are from birth to five years of age. A baby that is loved, held, responded to, read to, played with, and who hears soft and positive music is a baby that will grow up to be a secure and well adjusted child. There is no substitute for loving and caring people in an infant's life. "*In contrast, babies who lack stimulation and interaction during the early months may suffer inadequate development of the brain, which can lead to behavioral disorders... A child in the first three years learns self-esteem.*"

Judge McDonald occasionally has hearings where the primary parent is complaining about mistakes in caring for the infant by the other parent. Dr. Brazelton summarized 99% of those hearings when he wrote, "*I always say to parents, learning as a parent is learning from mistakes, not from success. So don't expect to be successful all the time as a parent.*"

An infant has particular needs for consistency of care. Also, it is important for both the child and father to establish a meaningful bond (connection) with the infant. There is evidence that parents, married or not, who bond early with their child stay involved in the child's life, and pay child support better than parents who feel no bond. The following rules should balance the needs of both parents and the infant.

35. WEEKENDS:

35.1 If the child is an infant, the father must allow the mother to observe him with the baby over several occasions to help her become comfortable with the idea that the father can provide good care. Also, if possible, the father should bring his parents and other relatives with him so the mother can be assured that the father has a support group to help him with the child and to help him become a good father.

35.2 This paragraph assumes that there has been little contact in the past by the father and child. Therefore, the father shall have the child every Saturday or Sunday for two (2) hours and this shall be for four weekends. Then they shall have four (4) hours for four weekends; then

eight (8) hours for four weekends. *During this time the father will learn about preparing food for the child, how to bathe the child, and bedtime and nap routines.* Also, a breast-feeding mother can transition to bottle feeding and show the father how to prepare and feed the bottle. If the parents cannot respectfully communicate then a third party like a grandparent can help the secondary parent develop these skills.

35.3 **If the father has experience with the child** or after the prior paragraphs have been successfully completed, then the father shall have the child every Saturday from 9:00 a.m. until Sunday at 9:00 a.m..

36. **MID-WEEK CONTACT:** Additionally, the father parent shall have two evenings per week from 4:00 p.m. to 8:00 p.m. with the child. Contact shall be on Tuesday and Thursday unless otherwise agreed.

37. **HOLIDAYS:** The parent shall have the child 9 a.m. to 7 p.m. on the following days:

Mother - Odd-numbered years:

Memorial Day, Labor Day, Mother's day, Thanksgiving;

Father - Odd-numbered years:

Easter, July 4th, Christmas for 3 Days, Father's day, Child's birthday;

Even-numbered years: the schedule shall be reversed;

37.1 **Pickup and Return for Holidays:**

Generally: Pickup 9:00 a.m. until to 7:00 p.m. that same day;

Easter: Pickup 6:00 p.m. on the Saturday before Easter Sunday; return 7:00 p.m. Easter Sunday;

Mother's & Father's Day & Birthday of Parents: The child shall be with their mother on Mother's day and their father on Father's day and their parent's birthday every year. This provision has precedent over contrary provisions.

Child's birthday: Pickup at 9:00 a.m. until 7:00 p.m.

Christmas: From 3:00 p.m. on Christmas day, return 7 p.m. three days later;

Summer: Weekend and weekday contact shall be continued.

38. **INFANT SUPPLIES, CAR SEAT & STRESS:**

38.1 *Supplies Etc.:* The purpose of this paragraph is to maintain consistency of food and environment for the child. The mother, assuming she is the primary parent, shall purchase formula, clean clothing, blankets, pacifiers, some toys and infant car seats and give those items to the secondary residential parent when the child is taken away for an extended period of time. The cost shall be paid in proportion to their income as shown on the guidelines worksheet. All items not consumed shall be returned.

38.2 *Car Seat:* Each parent shall always use a car seat when transporting the child. Failure to do so may cause suspension of contact.

38.3 *Stress:* A very young child can cause great stress especially when a parent is not accustomed to crying, feeding the child, etc.. Therefore, both parents are required to turn the child over to the other parent or family member or Department of Children and Families or take the child to any fire station when they feel uncontrolled anger, frustration, confusion or depression. It is better to turn the child over to someone than to have a tragedy.

SECTION 3 - CHILD 18 MONTHS AND OLDER

This section applies to a child from 18 months to 18 years old. Therefore, the reader must keep in mind the age of the child. A written document can never replace common sense and cooperation between parents. So long as each parent is being reasonable and considerate these rules should be adjusted to meet the real life needs of the child and both parents.

39. **WEEKENDS:**

39.1 The secondary residential parent shall have alternate weekend contact. Pickup, unless otherwise agreed, shall be Friday at 6:00 p.m. to Sunday at 6:00 p.m., or the child may be returned to daycare or school on Monday provided that this has been told to the primary parent at the time of pickup, and that homework is properly done. School work should not suffer because of parental contact. The child may be kept until 7 p.m. Sunday provided the child is fed dinner and the primary parent was told at the time of pickup.

39.2 The prior paragraph is the traditional arrangement. However, Judge McDonald suggests that it is too limiting in time for the secondary parent to have a rich, involved, and close

relationship with the child. It is hoped that greater contact can be agreed upon after considering each parent's work schedule, school, and the reasonable desires or needs of the child. Many people do 4 / 3 day split or alternate weeks or months. The point being, it takes more than 48 hours every other week to have a close relationship. Also, these arrangements can and should change over the years. Many "custody battles" could be avoided by each parent being more flexible on this issue.

40. **MID-WEEK:** The secondary residential parent may have midweek contact with pickup from 6 p.m. to 7:30 p.m., or over night and return the child to the primary parent or the child may be returned to next day to daycare or school provided that this has been told to the primary parent at the time of pickup and that any homework is properly done.

41. **HOLIDAYS:**

41.1 **Mother - Odd-numbered years:**

School Spring Break, Memorial Day, Labor Day,
Thanksgiving, Christmas vacation first half,

Father - Odd-numbered years:

Martin Luther King Jr. Day, Easter, July 4th, Halloween evening;
Christmas vacation second half, Child's birthday;

Even-numbered years: The schedule shall be reversed.

41.2 **Spring Break:** The secondary parent may pickup on the day spring break begins at 6:00 p.m. and the primary parent shall pickup at 6 p.m. on the Sunday before school resumes or the child may be return to day care or school provided the primary parent is told of this option.

41.3 **Summer:**

41.3.1 **Planning:** It is important for summer plans to be made as soon as possible. Therefore, discussions and work schedules should be looked at in January and February. A firm plan must be made by April 15 of each year or the primary parent can make their plans and the secondary parent must work around them. The primary parent must not be unreasonable or punitive in doing this.

41.3.2 **Summer:**

18 Months to Six Years Old: The secondary residential parent shall have two contact periods during the summer of two weeks each period. This is because it is too long for a child of

this age to be away from EITHER parent.

Six Years to 13 Years Old: The secondary parent shall have five weeks, either in blocks of time or one block of time. If the child must go to summer school then the secondary parent must make sure this is done or schedule around it.

During the weeks with the secondary parent, the primary parent shall have the same contact time as the secondary parent on weekends, and midweek, unless the child and secondary parent are out of town.

41.4 **Pickup and Return:**

Easter: Pickup shall be on the Saturday before Easter Sunday at 9:00 a.m. until 6:00 p.m. Easter Sunday;

Mother's & Father's day & Birthday of Parents: The child shall be with their mother on Mother's day and father on Father's day and their parent's birthday every year and this provision has precedent over contrary provisions. Pickup shall be either at 9:00 a.m. or after school and return either 9:00 p.m. that same day, or to school or daycare or picked up by the primary parent the next morning.

Child's birthday: If the child is not in school, then they may be picked up at 9:00 a.m. or if in school then after school on their birth date. The child may either be returned to school the next day or picked up by the other parent at 9 p.m. that same day. The parent holding a birthday party where school and neighborhood friends are invited should consider inviting the other parent.

Halloween: If Halloween falls on a weekday then contact shall be from 6:00 p.m. or when school releases, and returned to the primary parent by 9:00 p.m..

Thanksgiving: Contact shall begin on the Wednesday before Thanksgiving with pickup at 6:00 p.m. until the next Sunday 6:00 p.m. or return to school; but always home work must be done and the primary parent must know.

Christmas Vacation:

Parents are Locale: The first half of Christmas contact shall begin when school is dismissed for the holiday until December 25th at 3:00 p.m.. The second half shall continue until 6:00 p.m. the day before school resumes. The reason for 3 p.m. is that many parents and children complain that the child is still playing with their new toys and showing their friends presents well past noon. It is a let down, and definite turn off, to be put in a car and have to leave everything they just received. This is not good for the child or parent.

Long Distance Parent: See next section;

41.5 **Makeup Time:** There is no way of knowing the many situations that will interfere with a set schedule like this. Therefore, both parents are ordered to give up time to accommodate weddings, family reunions and other unexpected events that the child should attend. The parent who loses time may set a date for makeup time.

SECTION 4 - LONG DISTANCE PARENTING

42. **LONG DISTANCE PARENTING:** A long distance parent is one who lives at a distance that makes it impracticable to have other types of contact described in this booklet.

43. **SUMMER:**

43.1 *General Reading:* Summer contact is a difficult time for both parents and the child. Careful thought and observation of what works and does not work has been put into this entire document and even more time on these sections. The Court thanks the following doctors and psychologist for their suggestions. Thanks is given to Jennifer Lewis, M.D. and William A. H. Sammons, M.D. who have authored a book entitled, “*Don’t Divorce Your Children.*” They have a helpful web site for the newly divorced and it is www.childrenanddivorce.com. Thanks is also given to Richard Warshak who wrote “*Divorce Poison.*” Both books are a must read and re-read for both parents.

43.2 *Infants up to 18 Months:* See the prior discussion and orders in this schedule. A child this age should not be away from the primary parent for more than three days is what the child experts state. The long distance parent will have to arrange long weekends to build up the bond with the infant.

43.3 *18 Months to Six Years Old:* The secondary residential parent shall have three contact periods during the summer of not more than one week each period. This is because it is too long for a child of this age to be away from the primary parent. It creates anxiety and insecurity in the child. It is expected that during the rest of the year the long distance parent will make frequent visits to Florida to be with the child.

43.4 *Six Years to 13 Years Old:*

The ***first two weeks*** of school summer vacation are with the primary parent so that the child can unwind from school, see friends, and rest.

The ***next five weeks*** shall be with the secondary residential parent.

The ***last three weeks*** or so shall be with the primary parent so the child can prepare for school, and be present for try outs for sports or school activities.

43.5 *Summer School:* If the child has to go to summer school for remedial help, or to take courses to prepare for college, then the secondary parent must make allowances for this. Some

private or public school systems allow a child from a different school system to take summer school classes for a fee. However, the child's school system must consent in writing to this arrangement to avoid misunderstandings and to meet the child's needs.

43.6 Travel Cost - how paid: It is in the child's best interest to be with each parent during the summer. Summer plans must be made early in the year, by April 15, so summer camps, daycare, and transportation can be arranged. The cost of transportation shall be paid in proportion to the income of the parents found on the child support guidelines worksheet. The secondary parent shall pay for the tickets as soon as the primary parent confirms summer plans in writing or fax or e-mail. The primary parent shall pay their share within the next 45 days of receiving the ticket or e-ticket.

43.7 Activities: It is difficult for a child to find sufficient activities, friends and playmates, or good daycare for just a few weeks in a distant city. Many young children resist contact because it is viewed as a disruption to their normal lives and therefore careful planning of activities is necessary. Parking a child in front of the television with a teenager is not appropriate. The Court strongly suggests that a shorter summer contact be done where the parent and child can go on a great trip or camping or do something together is better than a long boring summer. The secondary residential parent needs to remember that children need summer activities such as sports, music camps, summer theater productions or drama, as an outlet for their energy, or they will be bored and unhappy and unruly. Also, teenagers have increasing commitments to their school such as summer sports or band practices, summer school for remedial help, summer school for courses to help them get into college or otherwise. Both parents need to listen to the older children's reasonable requests and see how to meet everyone's needs for the summer.

43.8 Consultation with 13 to 18 Year Old Children: A teenager must be consulted when making summer plans. At this age they will have a personal life and activities. Parents are required to talk to the child so that everyone can understand their needs and desires for summer. Also, to develop interests some children want to go to a different type of summer camp such as computer camp, space camp, outward bound where they go white water rafting, etc. and neither parent can do that with them. These opportunities and costs need to be agreed upon. The costs of these activities are in addition to child support and are to be paid in the same percentage as the incomes of the parents; provided both parents agree. This is also a child's time for pulling away and expanding their zone of privacy (parents see it as secrecy). Parents often have hurt feelings during this age.

43.9 Child Support During Summer: Child support is money for the child. Payment of child support should follow the child. This means that child support must be adjusted for extended contact. If this is not done, the paying parent often skips or shortens summer contact because they cannot afford to both pay child support and support the child. Therefore, to

encourage and facilitate summer extended contact by the paying parent, the parent receiving child support shall pay a per day cost of 75% of the child support received for the days of summer contact. Example, if child support is \$300 per month, and the month is a 30 day month, and the child is with the paying parent for 28 days then the receiving parent will send to the paying parent \$210.00 ($\$300 / 30 \text{ days} = \$10 \text{ per day} \times 75\% = \$7.50 \times 28 \text{ days} = \210). Activities like summer camp are to be paid in addition to this sum by both parents in proportion to their income as shown on the child support guidelines worksheet. The primary parent shall send said money from the child support received after the child starts summer contact.

The prior paragraph assumes that there is an Income Deduction Order in place and there is an employer deducting and sending to the State Disbursement Unit child support. However, if the paying parent is self employed and is the one sending to the S.D.U. the support, then the math adjustment can be made at the time of summer contact. Also, BOTH parents must sign a statement of the number of weeks and submit to the Court for an order of adjustment to be entered by the Clerk's records.

44. **CHRISTMAS:**

44.1 *Dangerous Travel:* It is not safe for a child to be traveling Christmas day because the weather outside of Florida is often very bad. It is also one of the most expensive times to fly. Christmas Eve and morning are a time for opening presents and not for being on a plane. A child who has just opened their presents does not want to pack up and get on a plane or be in a car traveling a long distance. They want to play with their new toys, show off their toys to their friends, see their friend's toys, and enjoy the Christmas spirit. This makes travel very difficult for all concerned.

44.2 *Alternating Years - Contact:* Therefore, in the long distance situation Christmas will be alternated with the primary parent having the child in the even numbered years and the other parent in odd years. Pickup or being put on a plane or other transportation shall occur on the third day after school lets out. The child shall be picked up or transported back three days before school resumes. Any time within these dates can be travel time to accommodate cost and other factors.

44.3 *Travel Cost:* It is in the child's best interest to be with each parent during Christmas. The cost of transportation shall be paid in proportion to the income of the parents and that information is found on the child support guidelines worksheet. The secondary parent shall pay for the ticket. The primary parent shall pay their share of the travel cost out of the child support check received next after receipt of the ticket.

44.4 *Child Support:* Child support shall NOT abate during Christmas contact.

45. **Other Contact by Long Distance Parent:**

45.1 *Spring Break & Other Breaks:* The secondary parent shall have contact with the child in town whenever they can visit. In addition, any time the child has a school break of 8 days or more, not counting Saturday and Sunday, the secondary parent can have the child with them. The cost of transportation shall be paid 100% by the secondary parent. Pickup or flying shall be arranged by the secondary parent with input from the primary parent and child. These contacts are usually short notice events and the primary parent shall make it happen, unless there is a good reason why it cannot. Remember, the secondary parent has much less time throughout the year with the child and when possible these opportunities should be accommodated.

45.2 *Unexpected Opportunity to Visit:* When possible, the secondary parent may visit the child on short notice, and the primary parent shall make the child available for overnight contact.

46. **MEANS OF COMMUNICATION:**

46.1 Communication is very important in a long distance parent - child relationship. Therefore, all means available should be used. This includes e-mail, faxes, letters, and phoning. Letters to the child should include pictures of parent's home, events, activities of the parent, and those of the parent and child. The primary parent's letters to the secondary parent should enclose drawings, report cards and even school discipline reports or notices.

46.2 Summer phone calls should be brief and positive. Neither parent should speak badly of the other parent. Daily calls can cause the child to feel lonely or guilty and are discouraged. Children prefer one or two happy calls per week than daily calls. All summer camps prohibit family phone calls the first week because it interferes with the child's adjustment to camp. The same rule applies to summer contact with the secondary parent.