

RULES 7 PARENTING TIME

701 If the parties live in the same county or the non-custodial/non-primary possessory parent resides in a county adjoining that in which the children reside, the following parenting-time schedule shall apply in the absence of an agreement except for good cause being shown.

A. Periodic Parenting Time

1. Weekends: Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m.
2. Telephonic: One hour per week.
3. Weekday: One evening during the week that alternate weekend parenting time is not being exercised.

B. Holidays

1. In odd-numbered years, the custodial or primary possessory parent has the child/children on Easter, 9:00 a.m. to 6:00 p.m., and Halloween from after school until 8:00 p.m. and the non-custodial parent has the child/children July 4th, 10:30 a.m. to 10:30 p.m., and Thanksgiving, 10:00 a.m. to 6:00 p.m. In even-numbered years, the schedules are reversed.
2. Memorial Day, Martin Luther King's Birthday, President's Day and Labor Day attach to the preceding weekend and the child/children are with the parent who had them that weekend.
3. Christmas: In odd-numbered years, the custodial parent/primary possessory parent has from the end of school until noon on December 27th and the non-custodial parent /non-primary possessory parent from noon on December 27th until 6:00 p.m. on the day before the children return to school. In even-numbered years, the schedules are reversed.
4. This schedule does not preclude an agreement or specific order to share the children on Christmas Eve and Christmas Day. If such is agreed, the Christmas Eve parenting time will be from 8:00 a.m. to 10:00 p.m.

C. Summer Vacation:

The summer vacation period shall include three (3) weeks of parenting time with the non-custodian/non-primary possessory parent notifying the other parent in writing by May 1 of each year when parenting time will be exercised. The custodian/primary possessory parent must give the other notice of special plans for the child/children to avoid planning conflicts by May 1 of each year.

1. Summer school necessary for the child/children to pass to the next grade must be attended.
2. A general itinerary should be provided if the vacation will be out of town.
3. Each party will have telephone numbers and addresses to permit contact during periods of extended parenting time.
4. The custodian/primary possessory parent shall be entitled to telephone parenting time one time each week during the extended parenting time.

D. Spring/Fall Break:

The parties will alternate possession during the spring and fall breaks in the alternative school calendar.

E. Other Parenting Time:

The non-custodian/non-primary possessory parent may also exercise parenting time for one week per month, 8 times per year, but not in the months when the non-custodial parent is exercising any other extended parenting time, i.e. spring, summer, fall or Christmas holiday, with prior notice and with the understanding that said visiting parent will be responsible for insuring the child's daily attendance at his/her regular school each day during such parenting time. This week of parenting time shall include the non-custodian/non-primary possessory parent's weekend to total 7 consecutive days.

The non-custodian/non-primary possessory parent may give to the custodian/primary possessory parent a proposed calendar of the desired eight weeks for each year by **December 1**, of the preceding year. Then the custodian/primary possessory parent shall notify the non-custodian/non-primary possessory parent if the calendar is acceptable by **December 15** of each year. If the custodian/primary possessory parent does not send **written** notification to the non-custodian/non-primary possessory parent by **December 15**, then the non-custodian/non-primary possessory parent's calendar shall be deemed accepted.

If, for some reason, the calendar is not provided by the non-custodian/non-primary possessory parent, or not accepted by the custodian/primary possessory parent, or the parties cannot agree otherwise, then it is deemed that the five week days following the first weekend of parenting time of each month shall comprise of the 7 consecutive days of parenting time eight times during the year. The first weekend is defines as the first weekend of a month that includes both a Saturday and a Sunday.

If the parties do not live in the proximity identified in HFCR 701 above, the following parenting time schedule shall apply in the absence of a written agreement, signed by both parties, except for good cause being shown.

A. Periodic parenting time:

Telephonic: One hour two times per week.

B. Holiday:

1. In odd-numbered years, the custodian/primary possessory parent has Easter, from 9:00 a.m. to 6:00 p.m. and the non-custodian/non-primary possessory parent has July 4th, from 10:30 a.m. to 10:30 p.m., and Thanksgiving from the end of school on Wednesday until Sunday at 6:00 p.m. In even-numbered years, the schedules are reversed.
2. Memorial Day, Martin Luther King's Birthday, President's Day and Labor Day attach to the preceding weekend and the child/children are with the parent who had them that weekend.
3. Christmas: In odd numbered years, the custodial parent/primary possessory parent has from the end of school until noon on December 27th until 6:00 p.m. on the day before the children return to school. In even-numbered years, the schedules are reserved.
4. This schedule does not preclude an agreement or specific order to share the children on Christmas Eve and Christmas Day.

C. Summer Vacation:

The summer vacation period shall include five (5) weeks of parenting time with the non-custodian/non-primary possessory parent notifying the other parent by May 1 of each year when parenting time will be exercised. The custodian/primary possessory parent must give the parent notice of special plans for the child/children to avoid planning conflicts by May 1 of each year.

1. Summer school necessary for the child/children to pass to the next grade must be attended.
2. A general itinerary should be provided if the vacation will be out of town.
3. Each party will have telephone numbers and addresses to permit contact during periods of extended parenting time.
4. The custodial/primary possessory parent shall be entitled to telephonic parenting time one time each week during the extended parenting time.

D. Spring/Fall Break:

The parties will alternate possession during the spring and fall breaks in the alternative school calendar.

- E. A non-custodial/non-primary possessory parent may elect to exercise parenting time as indicated in HFCR 701 with the understanding that he will be responsible for any additional transportation requirements and that such election will not adversely affect the child/children's welfare.

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Miscellaneous:

A. Terms:

1. A holiday that falls on a weekend should be spent with the parent who is supposed to have the child/children for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. These do not have to be made up.
2. Mother's Day and Father's Day are to be spent with the appropriate parent. Hours as agreed upon by parties or from 10:00 a.m. 7:30 p.m.
3. Birthday: Preferably, the child shall spend time with each parent on the child's birthday. If the parties are unable to agree, then the child shall celebrate his/her birthday in the home of the custodial parent, unless it falls on a parenting time day, and the other parent can celebrate at another time if desired.
4. The child/children and custodial parent have no duty to await the visiting parent for more than 30 minutes of the parenting time. A parent who is late forfeits parenting time for that time period. The custodial parent or acceptable representative must be home at the return time to receive the child/children.
5. The following shall control cancellation: If a child is ill, the custodial parent should give 24-hour notice, if possible, so appropriate plans can be made. The non-custodial parent should give 24-hour notice to cancel. The time canceled by the non-custodial parent is forfeited. Time lost for a child's illness should be made up within 30 days.
6. The custodial parent shall send adequate and appropriate clothing for the parenting time which will be returned.

B. Transportation:

Each party shall be responsible for the transportation costs for transporting the child/children to their own home. Minor children shall be picked up and dropped off at the custodial parent or non-custodial parent's residence unless otherwise agreed upon in writing or ordered by the Court.

Modification

Each Separation Agreement and Final Decree, which includes provisions for parenting time, shall include a statement incorporating the parenting time schedule contained in HFCR 7, or the parenting time schedule agreed to by the parties, and shall also include the following language:

The agreed parenting time schedule is based on the current residences of the parties. Prior to relocation of either party to another county or state, which would require modification of the present agreement, the party intending to relocate shall tender an Agreed Order modifying parenting time or said party shall petition the Court for mediation or a hearing to modify parenting time. A possessory parent shall not relocate the child/children prior to modification.

The parties agree that the Family Court of Hardin County shall continue to have jurisdiction of the matter of parenting time until said modification is approved by the Court.

Family Court Social Worker/ Law Clerk Negotiations Sessions

- A. The Family Court Support Work or Law Clerk may assist the parties in reaching an agreement concerning custody and parenting time issues through a pre-arranged negotiation session set at the discretion of the Family Court Judge. It is important to note that negotiation sessions and mediation sessions are not synonymous appellations to be used interchangeably; different rules apply to each term.
- B. If no agreement is reached through the negotiation session, the case shall proceed according to the applicable sections of HFCR 5.
- C. The Family Court Support Worker/ Law Clerk may at the request of the Family Court Judge, prepare an annual calendar for parenting time for the parties, a copy of which shall be filed with Family Court and a copy provided to each party. This parenting-time calendar shall be binding upon the parties, unless otherwise ordered by the Court.