

Child Visitation Guidelines (for cases prior to 4-1-01)

Access/Visitation Guidelines

The court believes that children have the right and need to maintain a close attachment with both of his/her parents. This is best accomplished by continuing and frequent contact with both parents. It is recommended that parents come up with their own agreement of what is in the best interest of their child/children in terms of access to both of the parents. If it is not possible for the parties to reach an agreement, the court will put in place the attached schedule. The categories identified in the guidelines are based on the developmental stages and needs of children. The guidelines were established based on the needs of children, at a very early age, to attach to both parental figures. The guidelines are not meant to be maximum or minimum access but rather a standard that can be adjusted to the needs of individual children and families. It should be recognized that because children have different developmental needs at different ages, it may not be possible to have a single parenting plan in families where there are more than one child. The court recognizes that sole custody identifies one parent as the primary custodian; however, the court also believes that children need on-going, continuing contact with two parents.

Each developmental age/stage section of the Guidelines are broken into Residential Plan; Vacation Time; Holiday Time; and Telephone Access for each developmental stage. In cases where holiday times are to be alternated, rather than shared, the recommendation is to alternate based on even and odd numbered years. The section labeled Special Circumstances is included to cover instances where there has been abuse and/or neglect of the child/children; domestic violence; a long absence of a parent; one parent living out of town; etc. Additionally there is a section on Holiday Visitation and some additional Guidelines for Shared Parenting.

A. GENERAL CONDITIONS

1. These guidelines are broken down into various age groups or developmental stages. Where there are children in different developmental age groups or stages, then the oldest group or stage will apply.
2. Unless there are specific rules for the age group and developmental stage, the Holiday schedule takes precedence over vacation time as well as the regular residential plan.

3. SPECIAL CIRCUMSTANCES

- a. Domestic violence The Access Guidelines may need to be adjusted when there has been domestic violence. If the child has been exposed to domestic violence in either parent's home, the issue of the child's welfare should be considered by the Court before a parenting plan is put into place.
- b. Child Abuse/Neglect As in cases of domestic violence, the guidelines will need to be adjusted when a child or children have been victims of substantiated abuse/neglect. The courts will consider the child's safety, as well as best interests, when determining the conditions under which a parent-child relationship can safely continue.
- c. Re-establishment of Parent-Child Relationship After a Long Absence When contact between a parent and child has not taken place for an extended period of time, both

parents should consider the possible adverse effects upon the child and gradually re-introduce an appropriate access plan for the non-residential parent. Children often experience emotional disturbances, such as unwillingness to trust others, as the result of extended separation from a parent. Family therapy may be needed in this situation.

d. Travel With the Child (Emergency Notification) For emergency purposes, whenever the child travels with either parent, one of the following will be provided to the other parent: an itinerary of travel dates, destinations, and places where the child or traveling parent can be reached OR the name and telephone number of an available third person who would be knowledgeable of the child's whereabouts.

e. Travel of Child Alone Children should not travel alone under the age of 7.

f. Access to Address and Telephone Number Each parent should provide the other with a current address and telephone number doing so would endanger either the child or parent. If an address or telephone number cannot be provided, then the name and number of an available third party who can reach the child or inaccessible parent in the event of an emergency should be provided.

g. Midweek Overnights for School Age Children In the event parents live in different school systems requiring the non-residential parent provide transportation to school in the morning, consideration should be given to the time the child would have to be awakened in order to arrive at school on time. The overnight should not occur if the child's wake-up time is advanced by more than 30 minutes.

B. PARENT/CHILD ACCESS

1. Early Infancy (Birth to Age 9 months)

a. Residential Plan

(1) Birth to Age 4 months:

-Three times per week: 2 hours in length.

-Preferably in the primary residence or the established child care setting.

-Overnights are not recommended.

(2) Age 4 months to Age 9 months:

-Three times per week: 3 hours in length

-Contacts away from the primary residence or established child care setting may be initiated.

-The child to be returned at least 1 hour before bedtime.

-Overnights are not recommended.

b. Vacation Time Defined as a period of uninterrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. This may occur during anytime of the year with at least thirty days advance notice to the non-vacating parent.

-Vacation time not recommended for the non-residential parent.

-Any vacation time taken by the residential parent should not exceed seven consecutive days away from the non-residential parent.

c. Telephone Access

-Not recommended.

d. HOLIDAYS

(1) Birth to Age 4 months:

-Two hours on the holiday.

-Preferably in the primary residence or the established child care setting.

(2) Age 4 months to Age 9 months:

-Three hours on the holiday

-May be away from the primary residence or established child care setting.

-The child to be returned at least one hour before evening bedtime.

2. Later Infancy (Age 9 months to 18 months)

a. Residential Plan

(1) Age 9 months to Age 12 months:

-Two times per week: 1 contact for 8 hours; 2nd contact for 3 hours.

-The child to be returned at least 1 hour before evening bedtime. -Overnights not recommended.

(2) Age 12 months to Age 18 Months:

- Two eight-hour periods (Saturday and Sunday) during the daytime, on alternate week-ends.

AND

- One midweek contact each week of 3 hours length.

- The child to be returned at least 1 hour before evening bedtime.

- Overnights not recommended.

b. Vacation Time Defined as a period of interrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. This may occur during anytime of the year with at least thirty days advance notice to the non-vacationing parent.

- Vacation time not recommend for the non-residential parent.

- Any vacation time taken by the residential parent should not exceed fourteen consecutive days away from the non-residential parent.

- Periodic physical contact with the non-vacationing parent, if the child is in the vicinity.

c. Telephone Access

- Brief contact at least 2 times per week.

- Should not interfere with time the child is sleeping.

d. Holidays

- Eight hours with the non-residential parent.

- The child to be returned at least 1 hour before evening bedtime.

3. **Toddler (Age 18 months to 3 years)**

a. Residential Plan

- Alternate weekends: Saturday morning to Sunday evening, and one midweek contact each week to be 3 hours in length.

- The child to be returned at least 1 hour before evening bedtime.

b. Vacation Time Defined as a period of essentially uninterrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. This may occur during anytime of the year with at least 30 days advance notice to the non-vacationing parent.

(1) Age 18 months to Age 24 months:

-Two one-week periods separated by at least 4 weeks.

-At least 1 telephone contact to the non-vacationing parent each week initiated by the vacationing parent.

-Periodic physical contact to the non-vacationing parent, if the child is in the vicinity.

(2) Age 24 months to Age 36 months:

-Two weeks.

-At least 1 telephone contact to the non-vacationing parent each week initiated by the vacationing parent.

-Periodic physical contact with the non-vacationing parent, if the child is in the vicinity.

c. Telephone Access -Contact at least 2 times per week.

-Should not interfere with time the child is sleeping.

4. Preschool (Age 3 years to Age 5 years)

a. Residential Plan

-Alternate weekend: Friday evening to Sunday evening, and one midweek contact each week to be 4 hours in length.

-The child to be returned at least 1 hour before evening bedtime.

b. Vacation Time Defined as a period of essentially uninterrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. This may occur during anytime of the year with at least 30 days advance notice to the non-vacationing parent.

-Two two-week periods separated by at least 3 weeks.

-At least 1 telephone contact each week to the non-vacationing parent initiated by the vacationing parent.

-Periodic physical contact with the non-vacationing parent, if the child is in the vicinity.

c. Telephone Access

-Contact 2 times per week.

-Should not interfere with time the child is sleeping.

5. Elementary School (Age 5 to Age 11 years)

a. Residential Plan

-Alternate weekends: Friday after school to Sunday evening.

-The child should be returned at least 1 hour before evening bedtime.

AND

During School Year:

-On alternate weeks: 1 overnight, from after school to return to school the next morning.

During Summer Break:

-On alternate weeks: One 24-hour period to include an overnight.

b. Vacation Time Defined as a period of essentially uninterrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. Vacation time should not interfere with school attendance unless approved by the residential parent. Thirty day advance notice should be provided to the non-vacationing parent.

(1) Age 5 years to Age 9 years:

-Four weeks, either consecutively or split into 2 or more segments.

-At least 1 telephone contact each week to the non-vacationing parent.

-Periodic physical contact with the non-vacationing parent, if the child is in the vicinity.

(2) Age 9 years to Age 11 years:

-Six weeks, either consecutively or split into segments. -Telephone contacts to the non-vacationing parent initiated by the vacationing parent or child.

c. Telephone Access

-At least 3 times per week initiated by the child or nonresidential parent.

-Should not interfere with time the child is sleeping.

6. Junior High or Middle School (Age 11 years to Age 14 years)

a. Residential Plan

-Alternate weekends: Friday after school to Sunday evening.

-The child to be returned at least 1 hour before evening bedtime.

-Midweek visit is optional.

b. Vacation Time - Defined as a period of essentially uninterrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. Vacation time should not interfere with school attendance unless approved by the residential parent. Thirty days advance notice should be provided to the non-vacating parent.

-Six weeks, either consecutively or split into segments.

-The child's summer activities will need to be considered in scheduling this time.

-Telephone contact to the non-vacating parent initiated by the child.

c. Telephone Access

-Open access as determined by the child and non-residential parent.

7. High School (Age 14 to Age 18)

a. Residential Plan

(1) Age 14 years to Age 16 years:

-Two weekends per month: Friday evening to Sunday evening (or an equivalent amount of time per month)

-The child's activities and wishes will need to be considered in scheduling this time.

(2) Age 16 years to Age 18 years:

-One weekend per month: Friday evening to Sunday evening (or an equivalent amount of time per month)

-The child's wishes, activities, and employment should be taken into consideration when scheduling this time.

b. Vacation Time Defined as a period of essentially uninterrupted time in which the residential plan is suspended. This time applies to both parents on an annual basis. Vacation time should

not interfere with school attendance unless approved by the residential parent. Thirty days advance notice should be provided the non-vacationing parent.

(1) Age 14 years to Age 16 years:

-Four weeks, or as agreed upon by the child and both parents.

-The child's wishes and summer activities will need to be considered in scheduling this time.

(2) Age 16 years to Age 18 years:

-Two weeks, or as agreed upon by the child and both parents.

-The child's wishes, employment, and summer activities will need to be considered in scheduling this time.

c. Telephone Access

-Open access as determined by the child and non-residential parent.

C. WEEKEND AND HOLIDAY DEFINED

1. Weekends are defined as from 6:00 p.m. Friday to 7:00 p.m. Sunday.

2. Holiday Visitation. Holiday schedule based on alternating even and odd numbered years.

a. In years ending in an odd number:

i. The night before each child's birthday (the non custodial parent is simultaneously entitled to visitation with the child whose birthday is the following day as well as each of the child's siblings with whom the non custodial parent has visitation rights);

ii. New Years Day from 6:00 p.m. the night before until 8:00 p.m. the night of.

iii. Memorial Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.

iv. Labor Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.

v. Christmas Eve from 6:00 p.m. until noon Christmas Day.

vi. Spring break as set by the school.

b. In years ending in an even number:

- i. Each child's birthday (the non custodial parent is simultaneously entitled to visitation with the child having the birthday as well as each of the child's siblings with whom the non custodial parent has visitation rights);
- ii. Easter Sunday weekend from Friday at 6:00 p.m. until Sunday at 8:00 p.m.
- iii. July 4th from 6:00 p.m. the night before until 8:00 p.m. the night of.
- iv. Thanksgiving from 6:00 p.m. the night before until 8:00 p.m. the night of.
- v. Christmas Day from noon until 9:00 p.m.
- vi. Halloween evening from 6:00 p.m. until 9:00 p.m.

3. Every year on the non custodial parent's birthday and Mother's or Father's Day weekend applicable to the non custodial parent.

D. SOME ADDITIONAL GUIDELINES FOR SHARED PARENTING:

1. Whenever the non custodial parent exercises visitation at the beginning of each visitation period, the non custodial parent shall pick up the child at the residence of the custodial parent or at a mutually agreed upon location. At the end of each visitation period when the child is to return to the custodial home, the custodial parent shall pick up the child at the residence of the non custodial parent or at a mutually agreed upon location. Each parent shall have the child ready for visitation and the child's return to the custodial parent's home at the appropriate time.
2. The non custodial parent shall give the custodial parent three (3) days prior notice if the non custodial parent does not intend to exercise visitation unless an emergency situation exists. Whenever an emergency situation arises, the non custodial parent shall provide the custodial parent with whatever notice of the canceled visitation is possible under the circumstances.
3. Each parent shall supply the other parent with the parent's own current address and telephone number. Each parent shall allow liberal and reasonable telephone and mail privileges with the children.
4. The custodial parent shall provide the non custodial parent with copies of all school and medical reports within ten (10) days of receipt. The custodial parent shall immediately notify the non custodial parent in the event of a medical emergency. The custodial parent shall also inform the non custodial parent of school and social functions within twenty-four (24) hours of notification of the function in order to permit parental participation. The non custodial parent is entitled to attend the school and social function, regardless of whether the function occurs during the non custodial parent's visitation period. A custodial parent may not prohibit a child from attending a school function as the result of the custodial parent's inability to attend the function. Whenever the custodial parent is unable to attend a school function with the child, the non custodial parent may attend the function with the child.

5. Parent may not deny visitation or child support as a result of the other parent's failure to comply with a court order. If a dispute arises concerning visitation, the parents shall first attempt to resolve the dispute through family counseling (either privately or through a county domestic relations bureau), mediation with a religious leader, or counseling with a school counselor.

6. Failure to allow visitation as prescribed by these visitation guidelines is a violation of the visitation guidelines. If visitation is violated, the following solutions are suggested:

a. If visitation is denied because the custodial parent is not present at the appropriate place when the non custodial parent attempts to exercise visitation, the custodial parent shall deliver the child to the non custodial parent as soon as possible.

b. If the custodial parent denies visitation for a regular alternating weekend, the non custodial parent is entitled to visitation during the immediately following weekend from 6:00 2p.m. on Friday until 7:00 p.m. on Sunday as a make-up weekend of visitation.

c. If the custodial parent denies visitation on two successive alternating weekends without granting make-up weekends, the non custodial parent is entitled to an additional week of vacation visitation.

7. If the custodial parent repeatedly denies visitation, the court may re-evaluate the case to consider whether a continuation of custody with the custodial parent is in the best interest of the child. In addition, a person who intentionally deprives another person of custody or visitation rights may be found guilty of a misdemeanor under I. C. 35-42-3-4.

8. If the parties mutually agree to change the provisions of the divorce decree, the parties shall petition the Court to approve and order the change. If the parties do not obtain a court order, the court shall not be bound by an alleged agreement of the parties.

E. OUT OF TOWN ACCESS

1. Plans regarding out of town access are more difficult to suggest because of the effect of such factors as distance, parental employment schedule, parental financial ability to pay for more or less frequent trips and the availability of child care while children are visiting from out of town. These and many other factors necessitate specific arrangements be made. In general, visits would be less often and of longer duration.

2. If the custodial parent and the non-custodial parent reside more than 100 miles apart and this geographical distance between the parents makes compliance with the foregoing impractical, if not impossible, the non-custodial parent shall be entitled to additional visitation as follows:

a. In years ending in an odd number:

i. from 6:00 p.m. the day the child begins his/her Christmas vacation until Noon Christmas Day; and

ii. from 6:00 p.m. the day the child begins his/her Fall Break until 7:00 p.m. the Sunday following.

b. In years ending in an even number:

i. from Noon Christmas Day until 7:00 p.m. New Year's Eve; and

ii. from 6:00 p.m. the day the child begins his/her Spring Break until 7:00 p.m. the Sunday following.

F. MISCELLANEOUS

1. If support obligation is current, support shall abate by 50% during extended visitation (i.e., a week or more at a time). If support is not current, the 50% that would have been abated shall be paid and shall apply to the existing arrearage.

2. Unless prior arrangements are made, the non-custodial parent shall pick up the children at the times specified and return them at the times specified, and the custodial parent shall have the children ready for visitation at the time they are to be picked up and shall be present at the home to receive the children at the time they are returned.

3. The non-custodial parent shall give the custodial parent three (3) days prior notice if he or she does not intend to exercise visitation unless an emergency situation exists, in which case he or she will give such notice as is possible under the circumstances.

4. Each parent shall supply the other with his/her current address and telephone number. Each parent shall allow liberal and reasonable telephone and mail privileges with the children.

5. The custodial parent shall provide copies of all school and medical reports within ten (10) days of their receipt and shall immediately notify the other parent in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school and/or social functions permitting parental participation within twenty-four (24) hours of notification of such function.

6. Neither visitation nor child support is to be withheld due to either parents' failure to comply with a court order. If a dispute arises concerning visitation, the parents shall first attempt to resolve the dispute through family counseling, either privately, through their attorney, or through a professional counseling service.

7. If the parties mutually agree to change the provisions of their Decree of Dissolution of Marriage, they shall petition the Court to approve and order that change. In the event that the parties do not obtain a court order, the court shall not be bound by any alleged agreement of the parties.