**Parenting Plan**

**Worksheet**

**In this worksheet, I will ask you to start considering your budget. It takes awhile to get everything together and crunching numbers is rarely fun. Start gathering your paperwork so you have real numbers and can look to the future.**

**I will also ask you to consider the future of your arguments/disagreements. Let’s look at ways to build trust and build processes and systems that work for the two of you. In the future, when you have a challenge, you’ll have a map and confidence that you can navigate it successfully.**

**Rationale for Developing a Parenting Plan**: Parents who are successful tend to focus on the logistical issue of parents now living in two homes. Just as they did when they lived together, they can speak about their goals for their children and organize the family in a manner to achieve those goals and to mitigate risks.

Divorce is a transition and needs goal-based planning, not a property battle over who “owns” how much of the children’s time.

“Not all “customers” in the legal system can be tricked into playing the divorce game by the rules promoted and the payoff structures proffered in the current family law system.

There are a small group of parties who deliberately remain amicable, sensible and focused on their long term life and family goals. They value their never-ending relationship, and if they have children, they value the family experience that the children have.

They might choose to be represented by attorneys, or enter mediation without lawyers, or proceed with a do-it-yourself divorce, but do not easily get side-tracked into self-defeating choices and strategies. In a sense, they resist the temptation to focus on selfish short-term legal outcomes.” Game Theory by Kenneth Waldron, PhD and Allan Koritzinsky, Esq

Please start working on the Budget once you have completed this form. This is a good time to start doing your budget.

Imagine your lives in five or ten years.

Picture your lifestyle now and the lifestyle in the future.

Does it make sense to downsize your housing costs right now, or is it more realistic that you will move to an apartment?

Without scaring yourself, remember that about 1/3 of women lose their house (not sell, but lose, it) within 5 years because they were not realistic in their budgeting. They were thinking short term and it was not sustainable.

I heard one CDFA say, “If you can’t afford the house without spousal support, you can’t afford it.”

Would you consider it a win if both parties were doing well financially and were by then financially independent of one another, in a lifestyle that works for all?

What is your current financial situation, including assets, debts and each of your incomes?

Your budget will determine how you proceed in many different areas.

The question of spousal support is not a dispute; it is a question of “what is the best way to get to that future and how can spousal support be used to get there?”

Please let us know how you came up with your numbers, ie assessing the house or business, budget numbers… what did you base it on?

Are you a professional appraiser?

Look at some contingencies and ask yourself, “what would we do if… happened?”

What you decide to do may not work, if you cannot afford it.

We will first look at your current situation, then take a look at your long term financial goals and finally start building a plan that reaches those goals. To do this well, it is important that each of you include your goals with each proposal.

Does your budget support your choices? Put some numbers to it and see if it still works.

Most couples really don’t want to go back to court and if we can eliminate that with this agreement, we will. Don’t rush yourself through the process.

**GOAL 1:** Get your need met without trampling on the rights of your partner.

**GOAL 2:** Maximize your time in mediation. If you cannot agree, bring the issue to the mediator’s attention. If you can agree, simply tell the mediator you agree and hand in this form.

If there are problems in the future, it is in our interests to work them out between us.

***Mediation/Arbitration***

\_\_The husband and wife agree to return to mediation if they are unable on their own to work out any differences that arise from this agreement and after they have sought out expert advice

\_\_If they are unable to resolve the dispute in mediation they then agreed to submit the dispute to arbitration with the mediator appointing the arbitrator and with the mediator having the option of appointing himself

\_\_If they are unable to resolve the dispute mediation they then agreed to submit the dispute with the American Arbitration Association

***Professional fees and grounds***

\_\_The husband and wife will share the cost of any joint mediation or joint legal fees (what percentage will each party pay? \_\_\_husband \_\_\_wife)

OR

\_\_The \_\_husband \_\_wife will pay any and all join mediation and joint legal fees

\_\_The husband and wife will each be responsible for any *individual* professional (legl, financial etc) fees

**Parenting Plan**

Most parents agree that the *goal* is to raise well-rounded children with a balance between academics, religious training and sports activities.

The father and mother agreed that they are first speak to each other before embarking on the extended conversation with one of the children regarding the pursuit of an interest, activity, hobby etc.

Questions we ask and the assumptions behind them frame how we work together. Let’s start with questions about life goals:

What kind of financial position would you like your family to be in 5 and 10 years from now?

How will a change in lifestyle affect the children?

Tell me how you would like your children to look back and report about the family experience they had for the rest of their childhood. (Remember: *The schedule is not the key to accomplishing the long term goals.)*

We’ve also found that there is a very logical order to how we discuss this process in order to get the best payoff for the children and parents. The first ones tend to have emotion and are easy enough to agree on and it builds good will with many couples.

Mother’s Day and Father’s Day come first, then birthdays

Then discuss thanksgiving and the religious holidays

Then vacations and summer vacation

By now, you have a rhythm and some guiding ideas for making the decisions together

School weekends are next

School days and sick days are so much easier to figure out when you have gone in this order

***Holidays***

In an inductive approach, the next question is: “What are your goals for Mother’s Day and Father’s Day – how do they fit into your long term goals?”

The holiday schedule is built *one holiday at a time*, always focused on goals for the holiday and long term family goals.

What do you want your children to remember about the holidays? Why?

How will you accomplish that goal, using the holiday schedule below?

Mother’s Day

What do you want to teach your children about Mother’s Day and Father’s Day?

Should Mother’s Day be just the day or the whole weekend?

Does Mother’s Day scheduling allow the mother to be with her own mother and travel to get there?

What are good stop and start times?

What about the father’s mother (children’s grandmother) celebrating breakfast on Mother’s Day?

These questions help get to the value of celebrating a parent and can be applied to Father’s Day, as well. A procedure should be developed for dealing with Weekend Holiday residential schedules.

**Birthdays**

Is having two birthday parties per child better for all involved? You get to decide this together, rather than have the court impose their decision on you. You know best, that is why you chose mediation. Maybe for one child, they prefer to celebrate all together and the other wants nothing to do with it.

What traditions does your family have, that you would like them to carry on?

What can we put in place to ensure that they experience what we would like them to experience?

The father and mother will together/each be able to be with the child/children on their actual birthdays and birthday celebrations. (Be specific- how would this look, if we keep the long term goals in mind?)

\_\_The father and mother whenever possible will be together for Halloween. (\_up until what age? 13?)

How would you like to acknowledge your own birthday?

What would it look like and what goals do you want to reach?

Is the expectation that the children will buy gifts, cards, cake etc or the former spouse or just no gifts etc?

The child/children will be with the mother on her birthday and with the father on his birthday. The hours together will be discussed 30 days prior to the birthday.

Both parties recognize that special events, such as weddings, family reunions, funerals, vacations to foreign countries, serious illness of relatives and the like may reasonably require that exceptions be made to the schedule.

**Thanksgiving**

A question like, “Are there any family traditions that you would like to preserve around Thanksgiving?” can avoid disputes and enhance payoff values for both of you. This is different than pretending our children are property (family law) to be divided by us. Let’s focus on the goal.

My Advice, if you like efficiency, comes from Ken Waldron, PhD: Create a whole package of holiday plans that fit your family and develop procedures for making decisions that prioritize the long term goals of the family.

***Treat each part of the schedule as important to the long term goals*.**

Presume that the process began with questions about the parties’ long term goals for their children and assume that both parties want their children to have a good family experience for the remainder of their minority.

One way of doing that could be even number switching holidays- if that works for your family.

\_\_The father/ \_\_mother will have the child/children even numbered years for the following holidays (please list which holidays are important to your children and to you and think about how you can achieve the long term goals you have about these holidays

\_\_The father/\_\_mother will have the child/children odd number of years for the following holidays

If there are holidays that aren’t super significant to either of you, you may choose to do it this way:

\_\_The father will have the child/children every year on the following holidays

\_\_The mother will have the children/child every year for the following holidays

Or come up with your own creative solution:

Other

***Religious holidays***

The father and mother agreed to share religious holidays as follows, in order to reach the family’s long term goals, which are:

Goals:

Religious Holidays (which ones)

**School holidays**

What we would like our children to remember about school holidays is:

The school holidays that are most important to us are :

Here is the parenting plan during those school holidays that will help us achieve those goals

Or you could use a more template approach:

\_\_The father and mother agreed to split the school holidays 50-50 (please explain who has the children for which holidays and the reason why you did it this way)

\_\_The father and mother agreed to work out the school holidays according to their work schedule and discuss it 30 days before the holiday. (What if you forget or work gets in the way?)

Some people take this approach

\_\_In even numbered years the \_\_father/\_\_mother will have first choice of which have to take of the Christmas vacation, Presidents week and the spring vacation

\_\_In odd numbered years the \_\_father/\_\_mother will have the first choice of which have to take of the Christmas vacation, Presidents week and the spring vacation.

The parent with the first choice last year will give the other parent their choice this time in terms of the Christmas vacation and in terms of spring vacation

What I appreciate about mediation is that you can tailor it to your family. Let’s face it, we are going to have to negotiate this repeatedly. Can we be good to each other so that when we need to ask favors, they are more likely to do it?

Other

***Summer vacation***

What we would like our children to remember about school summer vacation is:

The school summer vacations are from last day of school until the first day of school (What are those dates this year?)

Here is the parenting plan during those school summer vacations that will help us achieve those goals:

OR you can break it down this way:

\_\_The child/children will spend summer vacation with the mother from \_\_\_\_\_\_\_\_\_\_ (this date) to \_\_\_\_\_\_\_\_\_\_ (this date)

\_\_The child/children will spend summer vacation with the father from \_\_\_\_\_\_\_\_\_\_ (this date) to \_\_\_\_\_\_\_\_\_\_ (this date)

You can get more complicated:

\_\_The father and mother agreed to split the child’s/children’s non-camp time 50-50 with the \_\_father/\_\_mother having the option in even numbered years and the father/mother having the option in odd numbered years of which weeks to be able to go away with the child/children

\_The father and mother will alternate first choice of which weeks to take as vacation weeks with the \_\_father/\_\_mother having first choice in odd numbered years and the father/mother having first choice in even numbered years. The parent with first choice will inform the other by \_\_\_\_

What you are doing is anticipating what might happen in the future and talking about it now to prevent problems that are not necessary.

If parent does not take the child/children away on vacation then the regular schedule will be followed.

Talk about vacations away from the other parent

Each parent may go away for up to \_\_\_\_\_\_ weeks **with** the child/children. (obviously longer times are more appropriate for older children and shorter times for younger children.) These times will need to be coordinated by the father and mother, preferably \_\_in writing \_\_30 days in advance. (Other)

AND

Each parent may go away for up to \_\_\_\_\_\_ weeks **without** the child/children. (obviously longer times are more appropriate for older children and shorter times for younger children.) These times will need to be coordinated by the father and mother, preferably \_\_in writing \_\_30 days in advance. (Other)

Other

The inductive process continues with vacations, summer weekends and weekdays, other school breaks, weekends during the school year and school days. Even days can be inductively planned.

Summer days, for example, might be at one house because the parent is a teacher and available, and the evenings and nights might be at the other house. Wednesdays can be with one parent, except the other parent might have the child for confirmation classes for four hours. The result is that piece by piece, a schedule is built inductively, one that is based on the goals of the parties.

Guiding thoughts:

How long should each vacation be?

Should there be any limits on vacations that interfere with the other parent’s residential time?

Should there be a limit on how many school days each year the children can miss for vacation?

Do vacations take precedence over holidays, or the reverse?

Can a vacation that interferes with the residential placement schedule simply be spending time at home, or should it require going somewhere?

Should there be limitations on where the children can go or with whom they may go? (grandparents, uncles/aunts)

Are itineraries to be shared?

Will the parent who is not going on the vacation have access to the children?

What will be the procedure for scheduling vacation time (eg how much notice should be given; how can the parties prevent vacations from interfering with other plans? (day camps))

If both parents would like to have the children do special things, (Disney, Grand Canyon, Europe, Cruise) which parent will do which trip?

The same process can be followed with financial planning. Child support or spousal support can be determined inductively and be substantially more effective, when building a support plan inductively based on goals.

Decisions about assets and debts can also be inductive rather than deductive, and the plan can be substantially superior by accomplishing the goals of the parties. Inductive planning based on goals is superior to deductive planning where we cram families into templates.

**NOTE**: *When spouses think this way, that they are going to have a relationship with their spouse/other parent for the rest of their lives, they ought to step back and consider what kind of relationship they want to have and what kind of person that they want to be in that relationship.*

\*When we talk together, the task no longer is how to divide overnights; it is how to organize the parenting, given the new condition of two homes, in order to maximize benefits to the children and the parents.

Please look at the most common responses below and create your own or choose one of these (put a star next to it or circle it) after a good discussion of each person’s needs.

\_\_Given the age of the children, there’s no need for a formal parenting schedule.

\_\_Now that the children are away at school, there’s no need for a weekly parenting schedule.

\_\_Given the father’s/mother’s unpredictable schedule there is no formal parenting schedule.

\_\_The father and mother each recognize that because of changes in their work schedules, certain adjustments will be needed to be made from time to time to the parenting schedule.

\_\_Neither parent will take the children outside of United States without the other parent’s written permission.

Most everyone includes this language into their MOU “The father and mother agreed to have a flexible schedule. The father and mother acknowledge that from time to time it may be necessary to modify the schedule. It is understood that the father and mother together by agreement make minor changes on their own and not put them in writing. If the scheduled parent is unable to be with the child/children at their time, they will first offer the other parent the opportunity to be with the child before making other arrangements.”

The following is the schedule. M is for mother and F is for father. Indicate at which parent’s home the children sleep that night.

Let’s not get stuck with a formula, because this is about people.

**Weekends**

Let’s make sure each weekend works for you and that it fits the people involved in the lives we are currently living. When you have the weekends done during the school year, then go to the days off during the school year.

Get out your calendars and look at what you have going on in terms of activities for each member of the family. Make sure it really makes sense and works for you. Talk about what you want and why you want it. Does it change from sport to sport, season to season or when rehearsal for the play is? Any other predictable changes? Plan those into your weekends, please.

The weekend begins \_\_Friday or \_\_Saturday at \_\_\_\_\_\_pm and it ends \_\_Saturday or \_\_Sunday at \_\_\_\_\_\_\_

What is the “normal” weekend schedule for the school year and what exceptions do you anticipate during the school year? What hours are the children where, and why did we choose that particular thing? If we need to adjust a weekend here and there, can we build in how we adjust and why? (in the future, it is quite possible that you will have forgotten the rationale for why you decided what you decided)

\_\_The father and mother agreed to have a flexible weekend schedule taking into account the children’s activity schedule. This is how they will handle it being flexible (fill in your process or system for when something inevitably comes up and you will need to ask for a change from your partner)

\_\_The father mother will split weekend time 50-50 based upon their schedule and the children’s schedules. What will that look like and what goals are you trying to support by doing it this way:

**Week Days during the School Year**

What are your goals for your children for school days?

What does social science tell us that might serve as good guidance? Research tells us that school age children do best when they have some school days with both parents. Pay attention to when you can be there for your children after school and schedule accordingly, set similar homework routines at each house and make sure your children have access to peers.

Now, what school days make sense at each house, based on the previous discussion?

We should end up with a child focused schedule.

***Weekly schedule***:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Week 1 | 2 | 3 | Week 4 |
| Monday |  |  |  |  |
| Tuesday |  |  |  |  |
| Wednesday |  |  |  |  |
| Thursday |  |  |  |  |
| Friday |  |  |  |  |
| Saturday |  |  |  |  |
| Sunday |  |  |  |  |

Other

Please pay attention to how we are breaking down a complex situation into its simple parts. Each decision is fairly straightforward and not overwhelming. Everyone gets their needs met and talks about what is important to them and why, so you get the best chance of a wonderful outcome. Each decision has to make sense on its own. It has to stand alone on its own merits and then the complete puzzle comes together.

The suggestion for couples currently in high conflict is to put absolutely everything in writing so that when you look back on it, you don’t have to renegotiate, just follow what you agreed to here. For example, do you need to write who drops off and who picks up every time or can you work that out as needed?

Please consider the question “What if?” because that is what we will write into your agreement- we are looking to make this agreement legally enforceable. If it is not specific, doesn’t consider the “what ifs” or why there was an exception, it is less durable. Let’s look at what the schedule looks like, so we get the intent of what you are trying to do.

**Geographical relocation**:

Think about your long term goals before you fill this out, please. Everything we are doing in this agreement will be focused on furthering the long term goals.

\_\_If the father or mother has any plans to relocate a distance that would make the present parenting schedule impractical (do you need to define how far away that would be? For example, more than 10 miles), they agree to first return to mediation to work out a new parenting schedule.

OR

\_\_The father and mother agreed that they will not move any distance from the current resident that would make the continuation of the present parenting schedule and practical.

\_\_The father and mother agree not to move \_\_\_\_\_ miles from each other‘s home. (until what age of the youngest child?)

These tend to be easy agreements:

\_\_We promise not to do anything to poison the children’s thinking about each other.

\_\_Recognizing that both parties have in the past, shared the responsibilities of parenting, and that each is a fit parent and has unique contributions to make to the children’s development, and that the children’s welfare can be best served by the parents cooperation and sharing and parenting, the parents agreed to share joint legal custody of the child/children. Parents will share Joint custody, that is, “joint decision-making in all major areas including health, religion, education, extracurricular activities, development of decisions” (\*\*Approximately 99% of parents choose this option)

OR

\_\_The father or \_\_\_the mother will have sole *legal* custody

Remember “In a healthy post-divorce family, the parents are parents all of the time, even though they are not always with their child. Few parents consider themselves not a parent when the child is at soccer practice or in school or with grandparents for a weekend. The traditional family law system tricks parents into thinking and more importantly feeling that they are not a parent when the child is at the other home, even for a weekend.” Ken Waldron, PhD

\_\_The mother and father choose Joint Physical Custody

\_\_The \_\_mother \_\_father should be the *primary residential* parent. (talk about the implications of this decision on child support payments)

Please consider what will happen if one of you were to die before the children are grown up and who you would want to care for your children in your absence.

Wife would want to care for the children.

Husband would want to care for the children.

***Special Provisions Concerning the Children*:**

Do either of you need any special language in the agreement for the following issues?:

No disparaging comments from either parent about the other parent

Maximizing access to the children when not physically present

Telephone/mail/e-mail contact with children

Illness or injury of child and visiting them

Designation of “mother”/”father” as you two

Religion to be raised in and not disparaged by other parent

Third parties, when to introduce to children, to other parent, overnights

Social Media exposure and involvement, posting, tagging in pictures

Cell Phones/Electronics- amount of screen time

Alcohol/Drug usage by children

Motorized Vehicle use and expectations of driver’s ed, car, insurance

Death and Disability of parents (you two- guardianship, payments)

Counseling of child, whose needs are primary

Access to information about the children-school etc

Discipline of the Children, observe and uphold a grounding at your house

Surnames (last name change and adoption issues)

Pets, where will they live, who pays vet, who makes vet decisions

Any concerns that you may have? Other step-children? Special Education or medical needs?

Congratulations on getting through this tough discussion topic!

This can be emotionally draining for parents. If it is, please consider getting support from friends or family. It can simultaneously feel like a relief because people realize they have agreed on how their children will be cared for. That is a big step.

When you are evaluating the Memorandum of Understanding (MOU), (prior to it being converted to a legally binding document by an attorney- your step once you are done with mediation) please review what you have agreed upon.

Does it show what you agreed upon in sufficient specificity, why you agreed to what you agreed to if there is a deviation from what would normally be expected (would the judge kick it back to renegotiate?) and if someone were to run the numbers for your budget and show their work, would the person reading that be able to agree with you that the numbers (that you agreed to) would be sufficient to support yourself without outside help?

Please look at what we call process standards below and then look at your agreement. If we follow these standards, you have a durable agreement, one that will last and work well for you. That is our ultimate goal for you. If you have questions, please email me or text me and include your partner on the email/text so everyone is getting the info at the same time.

Process Standards: Five E’s

1. Are the parties Educated (information is public, perfect and complete)?
2. Are the agreements Equitable (as a whole, reasonably fair to both parties, in terms of accomplishing their long term goals, not balance sheets as legal outcomes)?
3. Are the agreements Effective (unambiguous and clear- they reach the goal)?
4. Are the agreements Equilibrant (can no longer be improved for either party, without diminishing value for either of them)?
5. Are the agreements Envy Free (no one walks away “prevailing” with the other party losing; where neither of the parties would exchange their total package of agreements with the other party)?