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## Everything You Need to Know About a Parenting Plan

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Breaking up is hard to do — we all know this. And while any divorce or separation can be painful, the stakes are higher when children are involved. Having a parenting plan in place can help with both logistics and healing and, most importantly, ensure that the best interests of your children are kept at the forefront. Stability is important, and a well-drafted parenting plan can help any family achieve it.

In this article, we'll cover all aspects of parenting plans, from what you should include to how to avoid common pitfalls to specific state law requirements. A good parenting plan will help you and your co-parent navigate new waters and ensure that your children are cared for.

### What is a parenting plan?

A parenting plan is just that — a plan for parenting children. Generally, a parenting plan is drafted and put into place in connection with divorce, separation, annulment, or child custody disputes. Parenting plans are sometimes referred to as parenting agreements, custody agreements, or co-parenting plans, and they may or may not be required by a court.

Essentially, a parenting plan is an agreement between parents that outlines the schedule, duties, and responsibilities of each parent. The agreement may contain specific information regarding guardianship, and if there are other parties involved, such as stepparents or grandparents, the parenting plan will likely also cover their rights and role in the child's life. A parenting plan is drafted by the parents, the attorneys involved in the dispute, or the court itself, and the plan may be created even if not required by the state.

By having a parenting plan in place, you can reduce conflict and friction by setting clear guidelines and expectations of your former partner while also understanding what is expected of you. Parenting plans benefit both parents and children alike, and drafting a good one is important to creating a harmonious co-parenting situation.

### What should a parenting plan include?

What is a good parenting plan for one family will be deficient for another, which is to say, it depends. The best parenting plan is one that is specific to your situation. However, there are general components that should be included in all parenting plans. The key is specificity.

## Parent and child information

Your parenting plan must include the general information of the parties involved. This includes the names, contact information, and phone numbers of each parent and the names and birthdates of all children.

## Legal and physical custody

Legal and physical child custody are perhaps the most important (and contentious) components of a parenting plan. However, it is important that the specifics regarding custody of the child be laid out clearly and agreed to within the arrangement. There are several custody options available:

- **Sole legal custody.** Sole legal custody means that only one parent has the right to make legal decisions for the child. These major decisions include major choices like education, religion, and medical care.
- **Sole physical custody.** Physical custody determines both where the child lives and outlines visitation rights for the other parent (oftentimes referred to as the non-custodial parent). A sole physical custody arrangement is where a child lives full-time at just one parent's home (the custodial parent).
- **Joint legal custody.** A joint legal custody arrangement provides that parents share decision-making responsibilities as well as the equal authority to make legal decisions for the child.
- **Joint physical custody.** A joint physical child custody agreement provides that both parents have an equal or significant amount of time with the child and also share joint physical responsibilities.

## Custody or visitation schedule

A custody or visitation schedule sets forth when each parent will have parenting time with the child. The specifics of this parenting time schedule will be based upon which legal and physical custody arrangement you and your former partner have settled on. When building this schedule, consider how visitation might work for the non-custodial parent. What will the details of your holiday schedule be? How will birthdays be spent? New Year's Eve? What about school breaks? Shorter breaks, such as Labor Day or Memorial Day? While some of these things might seem minor, ironing them out in your parenting plan now might help you to avoid conflict later.

## Duties and responsibilities

Along with determining your custody or visitation schedule comes establishing the duties and responsibilities of each parent. It's important to outline each parent's rights to see their children during day-to-day activities. Do both parents have the right to attend the child's extracurricular activities? What about pick up from the children's school, daycare, or childcare on transfer days? Your proposed parenting plan should also state clearly in which situations a parent is required to contact the other, such as in the case of a mental health crisis.

## Child support and expenses

Your parenting plan should also detail how you'll split expenses related to the child. Will one parent provide child support? Who will pay for health insurance or health care? What about private schools? Who will claim the child as a dependent on their taxes? Your parenting plan should lay all of this out clearly and carefully to avoid future contention and to ensure that your child is properly

financially supported.

## Other specifics

Because your family is unique, you'll also need to include details specific to your family in your parenting plan. Consider any particular day-to-day decisions that might need to be made as well as anything in connection with special occasions. Maybe spending Mother's Day, Father's Day, Easter, or Diwali with your children is particularly important to you. If that's the case, have it in the plan. Further, if you are separating from a partner because of domestic violence, that is something that should also be addressed in the parenting plan with specificity.

While all of this may seem overwhelming, particularly in the wake of a divorce or separation, the most important thing to keep in mind when writing your parenting plan is your child's well-being. It's a balancing act between specificity and flexibility.

## What about writing a parenting plan for family court?

The parenting plan that you write specifically for a court should contain all of the core elements discussed above. In fact, in many states, courts prefer that parents submit their own detailed parenting plan (as opposed to having the court order a specific arrangement) because they understand best what their children need.

Typically, you and your former partner will come up with your parenting plan either outside of court or during formal court proceedings. If you are able to come to an agreement outside of court, generally you will present your parenting plan to the court for the judge's approval. If approved by the court (pending any specific state law concerns (as discussed below)), your parenting plan will become enforceable by law. A parenting plan that is informal, not in writing, and not approved by a court may not be enforceable.

In the situation where parents are unable to agree on a parenting plan, the court may issue a plan for them. To the extent possible, it's best to avoid a court-ordered parenting arrangement because, as discussed throughout this article, you, as a parent, are in the best position to determine what arrangement will work best for your family. Alternatively, a court may allow each parent to present their own plan. The judge will then listen to each plan and pick one (likely with adjustments). If only one parent presents a plan, it's likely that the court will adopt that plan. So it's important to develop your own parenting plan and to do so thoughtfully.

Though it will vary from state to state and judge by judge, when assessing a parenting plan, courts will typically consider the following factors:

- The child's age and maturity: If the child is old enough, the court may take the child's preferences into consideration
- Each parent's capacity to care for the child, including financial ability as well as physical, mental, and emotional ability
- Each parent's proximity to important aspects of the child's life, including schooling and other organizations, as well as proximity to extended family
- Each parent's custody preferences

You may want to consult a family law lawyer to help you draft your parenting plan, particularly if your divorce or separation has been contentious. There are specific state law concerns that you may

want legal advice on, and a law firm will be able to help you. Alternatively, many parents find it helpful to use a parenting plan template or worksheet, many of which are available online. These resources allow you to customize your parenting plan to cover what is most important to you and your family.

The more harmonious and detailed your parenting plan, the smoother co-parenting will go for you and your former partner. Court wants to see how your parenting plan will create a stable and loving environment for your children.

## **What mistakes should be avoided when writing a parenting plan?**

Your parenting plan is about your children. One of the biggest mistakes parents make when determining their plan is to put their own needs ahead of their children's. As discussed throughout this article, the best parenting plan is one that is agreed to by both parents and focused on the best interests of the child.

Other common mistakes include creating a parenting plan that is too vague. This generally leads to disharmony between co-parents and the need for regular day-to-day negotiation, which isn't fun for anyone. The terms of the parenting agreement should be laid out clearly and specifically. Specifics that are regularly left out include forgetting to specify what happens when one parent wants to relocate and failing to include specifics on tax deduction issues.

Additionally, there should be a provision about how to handle changes to the parenting plan. As time passes and your children grow older, it's inevitable that revisions will need to be made. Make sure that you follow the proper legal process as set forth in your parenting agreement for these changes—doing so will only protect you.

## **Do parenting plans differ from state to state?**

Though there are specific laws that differ state by state, the core elements of your parenting plan will remain the same regardless of the state in which it's drafted or enforced. You will always want your parenting plan to be specific, clearly drafted, and legally enforceable. However, the way in which it is drafted and becomes legally enforceable will differ in each state.

Some states require that specific information be included in a parenting plan. For example, in Arizona, a joint legal custody agreement requires that a written parenting plan include a way to resolve conflicts about custody and parenting time; additionally, Arizona also requires that certain language stating that joint custody does not necessarily mean equal parenting time to be included in the parenting plan. Further, many states require that a parenting plan be signed before a witness or notary public to be enforceable, while others do not.

The key is knowing and following your specific state custody guideline when drafting your parenting plan. If you and the other parents live in different states, this gets a bit murkier, and it's likely to your benefit to consult a family law lawyer. You can use [this](#) resource to start considering more specifics.

## **Protect your peace of mind**

Divorce and separation are hard. By drafting and implementing a well-thought-out and complete

parenting plan now, you'll protect your peace of mind later. Remember what's most important during the process, and be sure to take advantage of all resources available to you. This is an opportunity to start defining your new family.

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