

Rule 19.0
PARENTING TIMES

CLERK OF COMMON PLEAS CT.
LITCHING COUNTY, OHIO
1750 W. BROAD ST.

200 OCT -4 P 3:44

19.1 **PREFACE.** Children require the continued and regular involvement of both parents despite the termination of their parents' marriage or relationship. No standard schedule will meet the needs of every parent-child relationship. The Court therefore encourages parties to submit agreements for parenting times which will meet their and their children's specific circumstances.

It is only when the parents cannot agree that the Court will require this standard parenting time schedule to be used. Where a disagreement forces the use of this standard parenting time schedule, the probability that the children will be exposed to a conflict between their parents sharply increases.

19.2 **PRECAUTIONS.** Termination of relationships naturally stirs up emotions. If children are involved, this may compound the matter. Some parents need reminding that times where children are physically transferred from one parent to another are NOT opportunities for any type of detrimental language or behavior to be directed at the other parent. It is unfortunate to include in this standard parenting time schedule this warning: **A DENIAL OF PARENTING TIME RIGHTS OF EITHER PARENT MAY RESULT IN FINES AND/OR INCARCERATION.**

19.3 **THIRD PARTIES.** While it may be necessary or desirable to have other parties accompany a parent during an exchange time, these individuals should be specifically cautioned that any disruptive acts or commentary initiated by them may be found to be interference and result in punishment, including fines or incarceration, by the Court.

19.4 **TYPES OF PARENTING TIMES.** Careful consideration has been given to promote parenting time after the parents have terminated their relationship. The frequency of contact depends on a large number of factors. One of the most significant factors is distance between the respective homes of the parents. The Court has divided these distances into two categories: local and long distance.

Despite these divisions, the primary goal of this standard parenting time schedule is to maintain parental involvement between the non-residential parent and the child(ren). Optimistically, the parties would act with as much flexibility as possible in order to accommodate each other. Where that is not possible, the schedules contained in this Rule provide for **minimal** parental contact. For the best interest of the child(ren), parents should attempt to establish additional parenting times for the non-residential parent.

19.41 **LOCAL PARENTING TIMES**

The local parenting time schedule shall apply when the parents reside less than 150 miles from each other.

A. **INFANTS:** AGED 0 - 6 MONTHS

For infants up to six months of age, the non-residential parent may spend time with the baby in the residential parent's home or other agreed upon site three days per week, for two hours per visit. If the parties cannot agree as to days and times, the following schedule shall be followed: 2:00 p.m.

to 4:00 p.m. on each Sunday and each Tuesday and Thursday evening from 6:00 p.m. to 8:00 p.m. The non-residential parent may be accompanied by one (1) member of his or her family such as his or her mother or father who have interest in and a relationship with the child.

B. INFANTS: AGED 6 MONTHS - UP TO AGE 2 (Commencing at age 6 months, parenting time is spent away from residential parent's residence)

1. Beginning at age six months through twelve months, the non-residential parent shall spend time with the child away from the residential parent's residence every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m. and one day each weekend, alternating between Saturday and Sunday, from 10:00 a.m. to 6:00 p.m.

2. From age thirteen months to two years, the non-residential parent shall spend time with the child as follows: every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m. and on alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

3. Holidays. In odd-numbered years, the non-residential parent shall spend time with the child from 10:00 a.m. to 6:00 p.m. on President's Day, Memorial Day, Thanksgiving and Christmas Eve. In even numbered years, the non-residential parent may spend time with the child from 10:00 a.m. to 6:00 p.m. on Easter, July 4th, Labor Day and Christmas Day.

4. The extended parenting times provided for in Section (C)(4) of this Rule do not apply to visitations with children less than two years of age.

5. Special Events. Beginning at six (6) months the non-residential parent may spend short periods of time with the child away from the residential parent's residence in order to introduce the child to, or acquaint him (or her) with, the non-residential parent's family. These short periods shall be 2 hours in length excluding transportation time. The purpose of this provision is to afford the non-residential parent an opportunity to take the child to recognized annual family gatherings (e.g. holiday dinners, reunions, a parent's or grandparent's birthdays and similar important occasions) no more than one time per calendar month. The non-residential parent shall be responsible for transporting the child in the course of this visitation. The non-residential parent shall provide the residential parent with at least one (1) week's advance notice of his or her intention to exercise visitation under this provision.

C. CHILDREN AGE 2 THROUGH 12 YEARS:

1. Weekends. Alternate weekends beginning Friday at 6:00 p.m. and ending Sunday at 6:00 p.m.

2. Weekdays. Every Tuesday and Thursday until the child attends first grade (or other days by agreement) from 5:30 p.m. to 8:30 p.m. Once the child begins attending first grade, the non-residential parent shall have midweek visitation on Wednesdays from 5:30 p.m. until 8:30 p.m., unless otherwise agreed by the parties.

3. Holidays.

(a) In odd-numbered years, the residential parent shall have the child(ren) on:

Easter: from Saturday at 6:00 p.m. to Sunday at 6:00 p.m.
July 4th: from 9:00 a.m. on July 4th until 8:00 a.m. on July 5th
Labor Day: from Sunday at 6:00 p.m. to Monday at 6:00 p.m.
Christmas: from December 24th at 9:00 p.m. to January 1st at 6:00 p.m.

In odd-numbered years, the non-residential parent will have the child(ren) on:

Presidents' Day: from Sunday at 6:00 p.m. to Monday at 6:00 p.m.
Memorial Day: from Sunday at 6:00 p.m. to Monday at 6:00 p.m.
Martin Luther King Day: from 9:00 a.m. until 6:00 p.m.
Beggar's Night: from 4:30 p.m. until 8:00 p.m. on the evening
Beggar's Night is observed by the community in which the
non-residential parent lives.
Thanksgiving: from Wednesday night at 6:00 p.m. to Thursday at
6:00 p.m. unless the following weekend is the non-
residential parent's regularly scheduled weekend in which
case the visitation shall continue until Sunday at 6:00 p.m.
Christmas: from December 21st or the last day of school,
whichever is later, at 6:00 p.m. to December 24th at 9:00
p.m.
Spring Break: commencing at 9:00 a.m. the day after school
recesses to 6:00 p.m. the day before school resumes.

(b) In families in which one or both of the parents observe religious holidays in addition to, or in place of, any of those mentioned in the preceding section (C)(3) "Holidays" of this rule, the parents shall alternate such holidays on an odd-numbered year and even-numbered year basis with the residential parent having the child on those holidays in the first calendar year in which there is a visitation order in effect.

(c) Holidays and holiday vacation periods for children who are educated under home-education arrangements shall be determined by the holiday schedule of the public school district in which they reside.

(d) In the even-numbered years the schedule in subparagraph (a) above will be reversed. If any of the above holidays fall on a Monday following that parent's regular weekend, then the parenting time will be continuous through Monday evening at 6:00 p.m.

(i) Mother's Day: shall be spent with the mother from 9:00 a.m. to 6:00 p.m.
(ii) Father's Day: shall be spent with the father from 9:00 a.m. to 6:00 p.m.
(iii) Birthdays: unless holiday schedule prevails, the mother shall have parenting times with child(ren) on even-numbered years while the father

shall have parenting times with the child(ren) on birthday(s) during the odd-numbered years. The non-residential parent must provide one week's advance notice of his or her intent to spend time with the child on the child's birthday. If the parents cannot agree, the parenting time shall be from 10:00 a.m. until 6:00 p.m. if the child's birthday falls on a non-school day for the child and a non-working day for the designated parent.

If the child's birthday is on the child's school day or the designated parent's work day, the parenting time shall be from 5:00 p.m. until 8:00 p.m.

The child's or children's birthday schedule shall take precedence over vacations and normal parenting times. Brothers and sisters shall be permitted to attend the birthday event.

The child(ren) shall be with the mother on the mother's birthday and they shall be with the father on the father's birthday. Where the parent's birthdays are on the same day, the child(ren) shall be with the mother on even-numbered years and with the father on odd-numbered years. If the parents are unable to agree on the hours the child(ren) will spend with the designated parent on his or her birthday, then the time spent shall be the same beginning and ending times as provided above for the child(ren)'s birthday.

If the parties have more than one child and two or more of the children's birthdays occur on different days during the non-residential parent's extended visit, or a year in which the residential parent is entitled to have the children on their birthdays, the children's birthdays shall be celebrated on one day. If the parties are unable to agree on the day for celebrating these multiple birthdays, then they shall all be observed on the child's birthday occurring earliest in the extended visitation.

4. Extended Parenting Time, Summer Vacations and Travel

(a) Summer Vacation. The parenting time will extend to two non-consecutive weeks for children aged two to four years; it will extend to two consecutive weeks for children aged four and five years; and it will extend for up to five weeks (with no more than 22 consecutive days being consecutive) for children aged six through twelve years and teenagers. The residential parent may also have an extended vacation with the child(ren) for two weeks. All parenting/vacation time taken under this section must be taken in blocks of time of at least seven consecutive days and no greater than 22 consecutive days unless the parties mutually agree otherwise.

For children aged 2 to 5, each parent must give the other parent on or before April 15th of each year written notice of the dates he or she intends to have extended parenting time or vacation with the

child or children. In the case of conflict, the schedule of the parent who first gives written notice to the other parent shall prevail.

The non-residential parent's choice of these five weeks for aged 6 through 12 years and teenagers has priority over the residential parent's choice except (1) the residential parent's vacation is an annual mandatory shut-down of that party's employer, (2) the times must allow one uninterrupted period of 15 days (normally Friday evening through the following Sunday) for the residential parent and (3) written notice must be provided to the residential parent no later than April 15th (it will be the obligation of the non-residential parent to confirm that the residential parent has received the written notice).

For any vacation or holiday travel, each parent must provide the other parent with destination, times of arrival and departure, methods of travel and the name and telephone number of the hotel or site at which the stay takes place. If there are children in different age brackets, the provisions set forth for the oldest age bracket shall govern as to all children, except that there shall be no extended parenting time/vacation for children under two years of age unless the parents agree otherwise. NOTE: Child support will not be reduced during summer vacation periods specified in this provision.

The non-residential parent may elect to delegate a portion of his or her extended visitation to a close relative. However these periods should be quality time and it would be anticipated that the majority of these times would be with the non-residential parent while the non-residential parent is off work.

D. TEENAGERS: AGE 13 UNTIL 18 YEARS:

1. The schedule for younger children set forth in Rule 19.41(C), above, shall continue and shall apply to children aged 13 up to 18 years.

Both parties should, however, respect a teenager's need to spend time with peers and in organized activities; especially during weekends and summer vacations. Quality of time is more important than a rigid schedule and flexibility in scheduling may be necessary. When possible, it is preferable to consider the teenager's wishes so long as **both** parties agree.

19.42 A. LONG DISTANCE PARENTING TIMES: The long distance parenting time schedule shall apply when the parents reside more than 150 miles from each other.

The intent of the long distance parenting time schedule is the same as the local parenting time schedule and that is to maintain contact between the child(ren) and the non-residential parent. Both parties are encouraged to be as flexible as possible regarding the non-residential parent's parenting times. The following schedule is considered by the Court as a minimal schedule for contact between the child(ren) and the non-residential parent:

1. Extended Holiday Periods. The non-residential parent shall have parenting time for the years ending in even-numbers:
 - (a) Thanksgiving: From 6:00 p.m. Wednesday (before Thanksgiving Day) to Sunday, 6:00 p.m.
 - (b) Christmas: From noon Christmas Day to 6:00 p.m. of the day before school starts.

For the years ending in odd-numbers:

- (a) Spring Break: From 6:00 p.m. of the first Friday to 6:00 p.m. of the day before school starts.
- (b) Christmas: From 6:00 p.m. of the last day of school to noon Christmas Day.

2. Summer Vacations and Trips. The non-residential parent shall have up to six weeks of summer parenting time. The terms and conditions for scheduling summer times and trips are the same as those found in Rule 19.41(C)(4)(a) noted above.

3. Additional Vacation Times. The non-residential parent shall exercise additional parenting time with the child(ren) as follows:

(a) Where the travel time for the child does not involve more than five hours (round trip), the non-residential parent may exercise parenting time for a three day weekend including a holiday designated for a non-residential parent under Rule 19.412(C)(3) beginning at 4:30 p.m. the day before the first day of the three day weekend to 9:30 p.m. of the last day of the three day weekend. The non-residential parent shall be responsible for the transportation costs. The non-residential parent must provide the residential parent with a thirty day notice of intent to exercise this parenting time.

(b) If the non-residential parent elects to travel to the area where the child(ren) normally reside, the non-residential parent may exercise parenting time pursuant to Rules 19.41 A, B or C. When the non-residential parent elects to travel to the area where the child(ren) normally reside and intends to exercise parenting times with the child(ren) as provided in Rules 19.41 A, B or C. the non-residential parent shall provide the residential parent with at least thirty (30) days advance written notice.

19.43 GENERAL RULES REGARDING PARENTING TIMES: The following rules apply to all parenting times provided for by this Rule.

a. Conflicting Schedules: In the event of any conflict in parenting time schedules, the following is the order of importance (with number 1 being the most important).

- i. Holidays;
- 2. Birthdays of children as set out in Rule 19.41(C)(3)(d)(iii);
- 3. Vacation periods or Extended Parenting Times; and
- 4. Weekends and mid-week days

For example, one parent may not schedule his or her summer vacation to include July 4th if July 4th is the other parent's holiday that year. As another example, the residential parent may be entitled to have the children on the Easter holiday even though it falls on the non-residential parent's alternating weekend. In this case, the non-residential parent's weekend shall conclude at 6:00 p.m. on Saturday evening.

b. Illness. Parenting time shall be provided to the non-residential parent even if the child is ill unless the child is hospitalized or a physician has recommended that the child not be removed from the residential parent's home, in which event immediate notice shall be given to the non-residential parent. Any weekend parenting time that is missed under this provision shall be made up the following weekend.

c. Telephone and Mail. The non-residential parent may have reasonable telephone contact with the child(ren) not to exceed once a day between the hours of 7:00 a.m. and 9:00 p.m. If the child(ren) are not available, the child(ren) should return the telephone call to the calling parent within 24 hours of the time the parent made the unsuccessful call to the child(ren). The residential parent shall encourage free communications between the child(ren) and the non-residential parent. The residential parent shall not do anything to impede or restrict reasonable communications by telephone or mail between the child(ren) and the non-residential parent, whether initiated by the child(ren) or the non-residential parent. Neither parent shall monitor or listen in on the children's telephone calls with the other parent. Any mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent unless shown or read to such parent by the child to whom the mail is directed. If, however, the child to whom the mail is directed is too young to read, the parent having possession of the child at the time the mail is received may read it to the child. This rule applies equally to the non-residential parent when the child(ren) are spending time with the non-residential parent.

d. Cooperation. Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the child(ren).

e. Exchange of Phone Numbers. Each parent must, unless this Court orders otherwise, keep the other parent informed of his or her current telephone number and a telephone number where the child(ren) may be reached.

f. Grace Period. The transporting parent for parenting times shall have a grace period of fifteen minutes for pick up and delivery if both parties live within thirty miles of each other. If the one way distance to be traveled is more than thirty miles, the grace period shall be thirty minutes. In the event the non-residential parent exceeds the grace period, that period of parenting time is forfeited unless prior notification and arrangements have been made, excepting cases where the non-residential parent lives in excess of thirty miles away and suffers an unavoidable breakdown or delay en route and the non-residential parent promptly notifies the residential parent by telephone of the delay. Repeated violations by either parent shall be cause for granting a modification of the parenting order.

The Court expects the non-residential parent to notify the residential parent of the non-residential parent's inability to exercise any parenting times. The failure to do so will result in the non-residential parent forfeiting their parenting time missed without notifying the residential parent.

Under normal circumstance, when the non-residential parent notifies the residential parent of the non-residential parent's inability to exercise parenting times on a particular occasion, the Court expects the parents to work out alternative written arrangements to make-up such missed parenting time. If the parties are unable to agree, then the make-up shall take place the following week.

g. Transportation. In the event that the parents are unable to reach an agreement regarding transportation, the non-residential parent shall arrange transportation.

The Court recognizes that circumstances arise when it is not possible for the non-residential parent to be personally present to pick up the child(ren) at the beginning of parenting time or to return the child(ren) at the end of parenting time. This may be due to changes in one's work schedule or other good reasons. In such instances, the non-residential parent may have another suitable adult (such as a spouse or other adult of suitable age and judgment) to pick up the children. If this is to be done, the non-residential parent shall provide the residential parent with notice. The residential parent shall not deny or interfere with the non-residential parent's parenting time when this procedure is followed.

h. Clothing and Supplies for Children Under Age Ten. The residential parent shall send with the child(ren) sufficient clothing and outerwear appropriate for the season and for any known or planned activities. The non-residential parent shall return all items that are sent with the child(ren) at the end of his or her parenting time. In cases involving infants and young children who are not toilet trained, the non-residential parent shall maintain a sufficient supply of diapers and related items in his or her home for use for the child.

i. Child(ren)'s Activities. Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss extra-curricular activities of the child(ren) in advance, including time, dates and transportation needs, so that the child(ren) is not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e., activity schedules, maps, instructions) that are distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of schedule activities is responsible for transportation, attendance and/or other arrangements. Both parents are encouraged to attend all their child(ren)'s activities.

j. Car Seats/Seat Belts. In all instances in which a child is required by Ohio law to be transported in a child safety seat, the non-residential parent shall be responsible for transporting the child in a properly installed child safety seat. In all other instances, the non-residential parent shall be responsible to transport the child in a properly installed and properly operating seat belt.

k. Medications and Physical Appearance. In all instances in which it is necessary for a child to take prescribed medications, the residential parent shall provide the non-residential parent with an adequate supply of such medications to care for the child's needs during the course of visitation at the beginning of each visitation session.

The residential parent shall also provide the non-residential parent with copies of the explanatory material issued by the pharmacy or, in lieu of this information, a typed or legibly written document setting forth the times of administration of medications, an explanation of whether food should be taken with such medication, a list of any potential side effects known to the residential parent and the name, address, and telephone number of the child's pediatrician and pharmacist. The residential parent shall provide this information to the non-residential parent on the first visit following the prescribing of such medication for the child.

All medications shall be administered to the child by the non-residential parent as prescribed. If the non-residential parent is not physically present to administer medications at the prescribed times, then it shall be the responsibility of such parent to designate an adult of suitable maturity and judgment to administer the medications as prescribed.

The non-residential parent shall not alter the physical appearance of the child or children without the prior written consent of the residential parent. This includes the cutting or coloring of the child's or children's hair, the piercing of ears for earrings, permanent tattooing, or any other act that appreciably alters the physical appearance of the child's or children's hair or bodies.

l. Supervised Visits. The Court recognizes, unfortunately, that in some circumstances, supervision of parenting times is necessary, either temporarily or permanently. In such cases, the Court will order, as it determines to be appropriate, that parenting times be exercised at a supervised visitation center or under the direct personal supervision of a suitable third-party adult. Visitations taking place at a supervised visitation center shall be conducted strictly according to the rules of that facility. Visitations which must be supervised by third parties are, in most instances, substantially less in quantity and duration than the visitation provided for by this Rule.

NOTE: Parents or parties who exercise parenting times under supervision are prohibited from challenging the authority or decisions of the supervising agency or individual. If the parent or party believes the supervising agency or individual is acting unfairly, the parent or party may contact the Court Investigator or file a formal motion requesting a change in supervising adult or agency.

m. Definitions. Unless otherwise specified in certain provisions of this Rule, the term "week" is defined to mean seven (7) consecutive calendar days.

n. Clarifications. If there are any questions about the application of parenting times as noted in this Rule, the parent or party should call the Court's Investigator at 740-349-1690 or 740-349-6218. If the Court is closed, call the Center for Alternative Resources at 740-345-6166

o. Effective Date of this Rule. This version of Local Rule 19.0, adopted effective as of October 1, 2000, shall be effective prospectively. This means that this version of Local Rule 19.0 shall apply in judgment entries and decrees entered by the Court on or after October 1, 2000, unless otherwise ordered by the Court.

Parties whose visitation orders were entered before October 1, 2000, and who want this version of Local Rule 19.0 to apply may either enter into an agreed entry with the other party and submit it for filing with the court or file an appropriate motion seeking the new version for parenting times.