WEST VIRGINIA PARENTING PLAN INSTRUCTIONS

The Family Court requires a Parenting Plan in all cases involving minor children. As a case begins, if parents can agree on a Parenting Plan, they can submit a Joint Proposed Parenting Plan to the court, and request that the court make a temporary order on parenting based on the Joint Parenting Plan. If the parents cannot agree on a Joint Parenting Plan, either parent can submit an Individual Proposed Parenting Plan, and ask the court to enter a temporary order on parenting based on that Individual Plan. If one parent wants to contest the other parent's Individual Plan, the contesting parent <u>must</u> submit an Individual Parenting Plan. <u>All</u> individual plans must be accompanied by a completed Worksheet for Individual Proposed Parenting Plan form.

If a Joint Parenting Plan is submitted, the court may accept the plan as submitted, unless the court determines the plan would be harmful to the children in some way, or that one parent did not agree to the plan voluntarily, or did not fully understand to what they were agreeing. A Joint Parenting Plan accepted by the court at the beginning of a case may become the Permanent Parenting Plan that will be placed in effect when the case is concluded; although the plan can and will be modified as necessary during the course of the case. If no Joint Parenting Plan is submitted, the procedure is more complicated. What happens in these cases is discussed later in these instructions.

These Instructions, the Parenting Plan form, and the Worksheet form used with Individual Plans are designed to assist parents in developing Parenting Plans. The following steps explain the importance of the Parenting Plan, and provide the information needed to complete the Parenting Plan and Worksheet forms. Read <u>all</u> of the instructions <u>before</u> you start filling out any of the forms.

STEP 1. WHY IS THE PARENTING PLAN IMPORTANT?

The Proposed Parenting Plan is probably the most important document you will file in your case. The Family Court will rely on the Proposed Parenting Plan to allocate custodial responsibility and time spent with the children, and decide how the parents will share the responsibility for making the decisions that guide their children's lives. So, as you begin developing your Parenting Plan, put in the time and effort to do it right, because your children's welfare depends on you doing a good job.

STEP 2. COMPLETING THE PARENTING PLAN FORM.

There is only one type of Parenting Plan form, and it is used for the preparation of both the Joint and Individual Plans. At the beginning of this form, on page 1, the first two items are used to indicate if the plan is being developed and submitted jointly, or individually. Be certain to complete the item that applies to your plan. Before you begin filling out the Parenting Plan, you may want to make some copies of the <u>blank</u> form. You can use these extra copies to practice on, or you can use portions of the extra copies if you need additional space for some responses.

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The Parenting Plan form is divided into sections. Some sections are self-explanatory, and some contain brief directions. You may be required to make a choice by placing a check mark in a box, or you may be required to write in information. It is important that you pay close attention to these instructions and the directions in the form so you can fill out the Parenting Plan correctly and completely. Type, or print clearly so your information can be read and understood by the court.

The Parenting Plan form is designed to provide a reasonable amount of space for responses, and to accommodate information for families with as many as six children. If you need additional space for some responses, or you require additional space because you have more than six children, you can write the information on a blank piece of paper, or you can use a page from one of the extra copies you made before you started filling out the form. If you use a blank sheet of paper, at the top of the sheet, write your name, case number, and the name of the section being continued from the form.

STEP 3. COMPLETING THE WORKSHEET FORM.

A Worksheet form <u>must</u> be completed and attached to <u>all</u> Individual Parenting Plans, called Worksheet for Individual Proposed Parenting Plan. <u>If you and the other parent have agreed on a Joint Plan</u>, you <u>don't</u> need to read the rest of this step; <u>you can go directly to Step 4</u>. If you and the other parent <u>have not agreed on a Joint Plan</u>, <u>continue reading</u>. Before you begin filling out the Worksheet, you may want to make some extra copies of the <u>blank</u> form.

If you and the other parent cannot agree on a Joint Parenting Plan, the Family Court will have to make the decisions the two of you couldn't make together. To make these decisions, the court needs information about your family life in the twenty-four months before your case began. This is where the Worksheet comes in. Each parent who submits an Individual Parenting Plan must submit an accompanying Worksheet.

The Worksheet sections are either self-explanatory, or they have some brief instructions included. The Parenting Responsibilities, Making Major Decisions For The Children, and Parents' Current Work Schedules sections <u>must be completed on all Worksheets</u>. The directions accompanying the other sections will explain who needs to complete those sections.

Like the Parenting Plan form, the Worksheet form is designed to fit most situations and provide an adequate amount of space for the average response. If you need more room for a response, follow the extra sheet procedure explained in the last paragraph of Step 2, or use a page from one of the extra copies you made before you started filling out the form.

STEP 4. SUBMITTING A JOINT PLAN TO THE COURT.

If you and the other parent have developed a Joint Plan, all you need to do to submit the plan to the court is complete and file the original Parenting Plan form, signed and notarized, in the Circuit Clerk's Office. Keep copies for yourselves, and wait for the court to schedule a hearing.

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STEP 5. SUBMITTING AN INDIVIDUAL PLAN TO THE COURT.

To submit an Individual Plan to the Court, you must do three things. (1.) Fill out the Motion to Adopt Individual Proposed Parenting Plan. You will find this form in the Petitioner's Divorce Packet, and the Divorce Answer Packet. (2.) Serve copies of your Motion, Individual Plan, and Worksheet on the other parent. How to do this is explained later in this step. (3.) File the originals of your Motion, Individual Plan, and Worksheet in the Circuit Clerk's Office, together with the original of a completed Certificate of Service. The Certificate of Service is explained later in this step. Keep copies of every document you file and serve.

If the Court enters a scheduling order, you are required to file your Individual Plan in accordance with the order of the court and serve your Individual Plan on the other party. If the court does not enter a scheduling order, you should try to file and serve your Individual Plan five (5) days before the first hearing in the case. At that first hearing, the court will want to make a temporary order relating to parenting. If one parent has submitted an Individual Plan, and the other has not, the court may base the temporary order on the plan that has been filed. By failing to file your Individual Plan before the first hearing, you can lose an important opportunity to have a full say in this important decision.

It is your responsibility to make certain the other parent is properly served with your Individual Plan. First class mail is the easiest and cheapest method to serve your Plan. To do this, mail copies of your Motion, Plan, and Worksheet to the other parent by first class mail, complete a Certificate of Service form, and file the originals of all of these documents in the Circuit Clerk's Office. The Certificate of Service verifies that you mailed these documents to the other parent. A Certificate of Service form is included in the Petitioner's Case Packet and the Case Answer Packet.

Before we leave Step 5, here's something to think about. After reading Steps 3, 4, and 5, you will have noticed the Joint Plan is the easiest and simplest way to go; and agreeing on a Joint Plan is better for your children, too, because parents know more about their children than the court will be able to learn during a hearing in your case. So, it's fair to say it's in everyone's best interest for the parents to agree on a Joint Plan. Don't agree just to please the other parent, but if you think there is any reasonable possibility you and the other parent can agree on a fair and balanced plan, it's worth some extra effort from both of you.

STEP 6. WHAT HAPPENS AFTER SUBMITTING A JOINT PLAN?

If you and the other parent submitted a Joint Plan, the court will hold a hearing and review the plan to determine if it could be harmful to the children in any way, and to make certain both parents agreed to the plan without being pressured, and understood everything to which they were agreeing. The court may accept the plan as proposed, or accept it with whatever modifications the court determines necessary to create a complete, fair, and balanced plan that is best for the children.

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STEP 7. WHAT HAPPENS AFTER SUBMITTING AN INDIVIDUAL PLAN?

At the first hearing in your case, the court is going to ask you and the other parent about your efforts to agree on a Joint Plan. The court is going to ask this even if one or both of you have submitted Individual Plans, because West Virginia law favors the Joint Parenting Plan. The law wants parents to agree on a Joint Parenting Plan because it's better for the children. So, if you and the other parent tell the court you have not tried to agree on a Joint Plan, or have tried and failed, the law requires the court to refer the two of you to a person called a Premediation Screener.

The Premediation Screener will interview you and the other parent separately, and determine if a Mediator can help the two of you come to an agreement on a Joint Plan. If the screener determines a Mediator may be able to help you agree, the court will refer the two of you to mediation. A Mediator is a neutral third person trained to help people settle disagreements. The Mediator will meet with you and the other parent together, listen to everything both of you have to say, and help you explore ways to agree on a Joint Plan. Mediation has an excellent success rate, and there is a good possibility the two of you can come out of mediation with a Joint Parenting Plan.

If mediation results in agreement on a Joint Plan, the Mediator will send that plan to the court, and the case will proceed as described in Step 6, just as if you and the other parent had agreed on a Joint Plan in the beginning.

If mediation does not produce an agreement, you and the other parent will return to court for a hearing, or a series of hearings at which both of you will present evidence and arguments in support of your Individual Plans. In other words, both of you will have a chance to prove to the court why your Individual Plan should be accepted by the court. It is the court's job to determine what's best for your children. To do this, the court will look at the way the two of you shared parenting responsibilities in the last twenty-four months before your case was filed. The way you have shared parenting responsibilities in the past will be one of the most important factors the court will consider in determining how you will share these responsibilities in the future. The court will also listen to any reasons one parent may not be fit or suitable to share parenting responsibilities in the future. After hearing all of the evidence, the court will reach a decision. The court may announce its decision at the hearing, or later. The court may accept parts of one or both Individual Plans, and will make whatever modifications or additions are necessary to create a Parenting Plan that is best for the children.

To learn about what to expect at the hearing, and how to prepare, review Steps 6 and 7 in the Petitioner's Divorce Packet Instructions, or Steps 5 and 6 in the Respondent's Divorce Answer Packet Instructions.

The End.

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IN THE FAMILY COU	RT OF	COUNTY,	WEST VIRGINIA		
IN RE: The Marriage / Children Of:		Civil Action No.			
	9	and			
Petitioner (First/Middle/Last)		Respondent (First/Middle/L	.ast)		
	PARE	NTING PLAN			
This Parenting Plan is propose	d	-			
individually by		, the Peti	tionar / Damandan		
		by a completed Worksheet.	doner / Kesponden		
		, and			
This plan is proposed for use	temporarily /	permanently / D both temporarily	and permanently.		
List the many and date of City		HILDREN			
List the name and date of birth					
Name	Date of Birth	Name	Date of Birth		
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	/ /		//		
	/ /		1 1		
The other parent should not	have parenting time	e with the children due to the follow			
The other parent should not	nave parenting time	e with the children due to the follow	ing:		
					
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RESTRICTIONS

The Family Court can restrict a parent's contact with the children if the parent has engaged in certain kinds of conduct harmful to the children. To begin, you *must* read the following list of types of conduct that can require restrictions, and then you *must* read the rest of the Restrictions section and <u>complete the items that apply to your situation</u>.

CONDUCT THAT CAN REQUIRE PARENTAL RESTRICTIONS.

- The parent has abused, neglected, or abandoned a child.
- The parent has sexually assaulted or abused a child.
- The parent has committed acts of domestic violence.

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CONDUCT THAT CAN REQUIRE PARENTAL RESTRICTIONS (continued).

- The parent has repeatedly interfered with the other parent's rights to contact or visit the children.

 But, this situation does not justify restrictions if the parent interfered with the other parent's access in order to protect a child's safety.
- The parent has repeatedly made unfounded reports of domestic violence, child abuse or neglect, or sexual abuse.
- A Court has issued a restraining order against the parent for domestic or family violence.
- The parent has neglected their responsibilities for caring for the children.
- The parent has engaged in alcohol, drug, or other substance abuse that has resulted in that parent neglecting their responsibilities for caring for the children.
- The parent does not have a loving emotional relationship with the children.
- The parent habitually starts arguments with the other parent, or the children.

reat, read the rest of the section, and complete the nems you want to propose for your Farenting Flam.
NO RESTRICTIONS should be included in the Parenting Plan, because neither parent has engaged in any conduct harmful to the children.
RESTRICTIONS should be included in the Parenting Plan, and these restrictions should be placed on the Petitioner / Respondent. These restrictions should be included in the Parenting Plan because the Petitioner or Respondent has engaged in conduct harmful to the children. If you checked the "Restrictions" box, you must complete the following section by listing the reasons you think restrictions should be included in the Parenting Plan. (Describe the conduct you think requires restrictions. You may describe the kinds of conduct on the preceding list, or other conduct you think is harmful, even if that conduct is not on the list. If the issuance of a restraining order is the reason for restrictions, you must list the court in which the restraining order was issued, and the case number.)
Reasons for Restrictions:

If you checked the "Restrictions" box, you must complete the following items to propose the types of restrictions you want included in the plan. **VISITATION** ■ No Visitation should be granted to the following individual: Petitioner. Respondent. Other Individual(s): **SUPERVISED VISITATION** Visitation with the children should be supervised. (If you checked this box, you must complete the next item.) Visitation should be supervised by: ______, at the following location: (You can propose any person you trust, a professional person such as a counselor or psychologist, a minister, or an agency or organization such as a mental health or social services agency or organization. Provide a telephone number for the person or organization you propose; make certain that person or organization has agreed to act as the supervisor, and will attend the hearing at which these arrangements are discussed.) SUPERVISED TRANSFERS Transfer of the children from one parent to another should be supervised. (If you checked this box, you must complete the next item.) Transfers should be supervised by: _______, at the following (You can propose any person you trust, a professional person such as a counselor or psychologist, a minister, or an agency or organization such as a mental health or social services agency or organization. Provide a telephone number for the person or organization you propose; make certain that person or organization has agreed to act as the supervisor, and will attend the hearing at which these arrangements are discussed.) Other Proposed Restrictions:

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DECISION MAKING

Two decision-making rules apply to all cases, and all Parenting Plans.

- 1. The parent with whom a child is residing makes <u>all</u> day-to-day decisions about the care and control of the child.
- 2. <u>Either parent</u> may make <u>emergency</u> decisions affecting the health or safety of the children, <u>at any time</u> regardless of the parent with whom the children are residing at the time.

Major Decisions

Use the following list to propose whom you think should make each type of decision.

ТҮРЕ	PETITIONER	RESPONDENT	SHARED
Education:			1
Medical, Dental, Eye Care:	6		
Religious Matters:			
Child Care:			
Children's Employment:			
Motor Vehicle Use:		9E	
School and After School Activities:			
Sports:			
Other:			

If you checked the box for no visitation under the restrictions section, you only need to sign the Parenting Plan and Verification on the last page of this form.

HOW WILL THE CHILDREN'S TIME BE SHARED BY THE PARENTS

In this section you will propose, from this day forward, how much time you think the children should spend with each parent. The first part of this section covers preschool children, the second part covers children in school, and the third part covers holidays for all of the children.

Detailed and accurate proposals of how the children's time will be shared are very important. When a schedule for sharing the children's time is adopted by the Court and made part of a Court Order, that schedule will be the basis for the Court's calculation of child support. For this reason, it is very important for the schedule to show the <u>real</u> number of days the children will spend with each parent.

For example, <u>do not</u> make a 50/50 schedule just to make one parent feel good if you know the children will actually spend 80% of their time with one parent, because if you do, the parent with whom the children spend 80% of the time will end up with child support payments based on a 50/50 schedule, and those payments will be too small to cover the real number of days the children spend with that parent.

When you fill out these schedules, make certain you account for every day of the week, and <u>all</u> of the hours in the day. Make certain you account for the times parents will be on vacation from their jobs. Remember, holidays are covered separately in the third part of this section.

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CHILDREN NOT IN SCHOOL

Children's names:	
These children will	reside with Petitioner and Respondent according to the following schedule.
16	PETITIONER - WEEKDAYS
Ma the	ork the day if the children will reside with Petitioner some or all of that day, an check All Day if that applies, or fill in the times if All Day doesn't apply.
Monday:	All Day - OR - From :a.m./p.m. to:a.m./p.m.
Tuesday:	All Day - OR - From : a.m./p.m. to : a.m./p.m.
Wednesday:	All Day - OR - From : a.m./p.m. to : a.m./p.m.
Thursday:	All Day - OR - From :a.m./p.m. to :a.m./p.m.
Friday:	All Day - OR - From : a.m./p.m. to : a.m./p.m.
	PETITIONER - WEEKENDS
	Mark the weekends of the month the children will reside with Petitioner all or part of the weekend, then fill in the time and day blanks.
Alternating	_:a.m./p.m. on to :a.m./p.m. on
- OR -	
st: From_	:a.m./p.m. on to :a.m./p.m. on
2nd: From	
3rd: From	:a.m./p.m. on to :a.m./p.m. on
4th: From	: a.m./p.m. on to :a.m./p.m. on
5th: From	_: a.m./p.m. on to :a.m./p.m. on
	RESPONDENT - WEEKDAYS
Mar the	k the day if the children will reside with Respondent some or all of that day, n check All Day if that applies, or fill in the times if All Day doesn't apply.
Monday:	All Day - OR - From : a.m./p.m. to : a.m./p.m.
Tuesday:	All Day - OR - From :a.m./p.m. to:a.m./p.m.
Wednesday:	All Day - OR - From :a.m./p.m. to:a.m./p.m.
Thursday:	All Day - OR - From :a.m./p.m. to :a.m./p.m.
Friday:	All Day - OR - From :a.m./p.m. to :a.m./p.m.
	RESPONDENT - WEEKENDS
A	Aark the weekends of the month the children will reside with Respondent
	all or part of the weekend, then fill in the time and day blanks.
Alternating	_: a.m./p.m. on to: a.m./p.m. on
OR	
1st: From_	to to
2nd: From_	a.m./p.m. on to: a.m./p.m. on
3rd: From	_:a.m./p.m. on to:a.m./p.m. on
4th: From 5th: From	:a.m./p.m. on to:a.m./p.m. on

CHILDREN IN SCHOOL

Children's names:				
These children will reside with Petitioner and Respondent according to the following schedule.				
PETITIONER - WEEKDAYS				
Mark the day if the children will reside with Petitioner some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply.				
Monday: All Day - OR - From : a.m./p.m. to : a.m./p.m.				
Tuesday: All Day - OR - From : : a.m./p.m. to : a.m./p.m.				
Wednesday: All Day - OR - From :a.m./p.m. to :a.m./p.m.				
Thursday: All Day - OR - From : a.m./p.m. to : a.m./p.m.				
Friday: All Day - OR - From :a.m./p.m. to:a.m./p.m.				
PETITIONER - WEEKENDS				
Mark the weekends of the month the children will reside with Petitioner all or part of the weekend, then fill in the time and day blanks.				
Alternating :a.m./p.m. on to:a.m./p.m. on				
- OR -				
1st: From:a.m./p.m. on to:a.m./p.m. on				
3rd: From : to to p.m. on				
4th: From : a.m./p.m. on to :a.m./p.m. on				
5th: From :a.m./p.m. on to :a.m./p.m. on				
RESPONDENT - WEEKDAYS				
RESPONDENT - WEEKDAYS Mark the day if the children will reside with Respondent some or all of that day,				
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RESPONDENT - WEEKDAYS Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply. Monday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Tuesday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m.				
Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply. Monday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Tuesday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Wednesday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m.				
Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply. Monday: All Day - OR - From :a.m./ _p.m. to _ :a.m./ _p.m. Tuesday: All Day - OR - From :a.m./ _p.m. to _ :a.m./ _p.m. Wednesday: All Day - OR - From :a.m./ _p.m. to _ :a.m./ _p.m. Thursday: All Day - OR - From _ :a.m./ _p.m. to _ :a.m./ _p.m.				
RESPONDENT - WEEKDAYS Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply. Monday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Tuesday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Wednesday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Thursday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. Thursday: All Day - OR - From : a.m./ p.m. to : a.m./ p.m. RESPONDENT - WEEKENDS Mark the weekends of the month the children will reside with Respondent				
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RESPONDENT - WEEKDAYS Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply. Monday: All Day - OR - From :a.m./p.m. to :a.m./p.m. Tuesday: All Day - OR - From :a.m./p.m. to:a.m./p.m. Wednesday: All Day - OR - From :a.m./p.m. to:a.m./p.m. Thursday: All Day - OR - From :a.m./p.m. to:a.m./p.m. Friday: All Day - OR - From :a.m./p.m. to:a.m./p.m. RESPONDENT - WEEKENDS Mark the weekends of the month the children will reside with Respondent all or part of the weekend, then fill in the time and day blanks. Alternating :a.m./p.m. on toa.m./p.m. on OR 1st: From:a.m./p.m. on toa.m./p.m. on				

HOLIDAYS

The following chart lists nationally recognized holidays and family occasions such as birthdays, and provides space for you to write in other special family occasions. For each holiday or occasion, in the columns "Even Year," and "Odd Year," use a "P" or "R" to indicate the parent with whom the children will spend each holiday or other occasion. Then, indicate the exact times the holiday period with the parent will begin and end. If a child will spend part of a holiday with one parent, and part with the other, put an "X" in the "Split Day" column, and in the "Exchange Time" column indicate when one parent's time with the child ends, and the other parent's time begins.

Holiday		Odd Year	Time w	ith the Parent:			Split Day	Exchange Time
New Year's Eve			:	a.m./p.m	:	a.m./p.m		:a.m./p.m.
New Year's Day			E E	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Martin L. King Day			:_	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
President's Day			<u> </u>	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Easter			:	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Spring Break	III III	* X	:	a.m./p.m	:	a.m./p.m	7.11	: a.m./ p.m.
Memorial Day			0,	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
July 4th				a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Labor Day			:	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Thanksgiving Day				a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Thanksgiving Break			:	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Christmas Eve	l, R			a.m./p.m		a.m./p.m		: a.m./ p.m.
Christmas Day			:	a.m./p.m	ı:	a.m./p.m		: a.m./ p.m.
Christmas Break			:	a.m./p.m	:	a.m./p.m	. 1/4	: a.m./ p.m.
Hanukkah			:	a.m./p.m	:	a.m./p.m		: a.m./ p.m.
Kwanza	0,		11:	a.m./p.m.	:]	a.m./p.m		: a.m./ p.m.
			;	a.m./p.m	:	a.m./ p.m		: a.m./ p.m.
Other Occasions	Even			ith the Parent:		5 7 1 7 7	Split	Exchange Time
	Year	Year	From	То			Day	
Petitioner's Day			:_	a.m./p.m	<u>:</u>	a.m./p.m	·	:a.m./p.m.
Respondent's Day		01	:=	a.m./p.m	:	a.m./p.m		a.m./p.m.
Petitioner's Birthday			:_	a.m./p.m	:	a.m./p.m		:a.m./p.m.
Respondent's Birthday	E	11	:_	a.m./p.m		a.m./p.m		:a.m./p.m.
Child's Birthday				a.m./p.m	:	a.m./p.m		:a.m./p.m.
Halloween				a.m./p.m	:	a.m./p.m		:a.m./p.m.
			:	a.m./p.m	_;	a.m./p.m		:a.m./p.m.
			:_	a.m./p.m	:	a.m./p.m		:a.m./p.m.

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If you are unable to provide the proposed parenting pla please provide a detailed explanation below:	nn in the days and	times provided in t	he prior pages,
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	1000	100	
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SUMMER AND OTHER VACATION TIMES

This plan proposes that in addition to the residential and holiday scheduling listed above, the parents will vary these schedules to divide school/work vacations as described in this section.

The parents will work together to make arrangements for specific dates and times for vacation no later than one month in advance of the time requested for vacation.

The child(ren) shall spend (how many?)vacation days / weeks with Petitioner
and (how many?)vacation days / weeks with Respondent.
Dates:
DESIGNATION OF LEGAL CUSTODIAN
Federal and state laws require that the <u>parent with whom the children spend the majority of time</u> be designated as the children's legal custodian. You may choose to alternate the legal custodian between the even and odd years.
Under this Parenting Plan, the designated legal custodian is the:
Petitioner. Respondent. Alternates yearly between Petitioner and Respondent. (Designate a schedule below.) During evenly numbered years the legal custodian is the Petitioner. or Respondent. During oddly numbered years the legal custodian is the Petitioner. or Respondent. If the parent with whom the children spend the majority of time is not the same for all of the children, you must make separate legal custodian designations.
Legal Custodian: Petitioner Respondent Alternating

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TRANSFERS OF THE CHILDREN FROM PARENT TO PARENT

When a child's time with one parent ends, and time with the other parent begins, the Parenting Plan must provide standard arrangements for transferring your child. Propose those arrangements in this section. Part 1 is for weekdays; Part 2 is for weekends. One transfer arrangement is the same in <u>all</u> Parenting Plans. The parent waiting for the children shall always allow the parent bringing the children a 30 minute grace period.

1.	Weekday transfers occur at the
	Petitioner's Residence. Respondent's Residence. Child's School.
	Other location: (Specific address.)
	Time of transfer: : a.m./ p.m.
	Other arrangements. (Be specific.)
2.	Weekend transfers occur at the
	Petitioner's Residence. Respondent's Residence. Child's School.
	Other location: (Specific address.)
	Time of transfer: a.m./ p.m.
	Other arrangements. (Be specific.)
	TRANSPORTATION ARRANGEMENTS FOR THE CHILDREN
	The arrangements for, and costs of everyday transportation will be the responsibility of the parent with
	whom the child is residing.
	OR The Case of the
L	The following arrangements will apply:
-	
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	<u>cial Travel</u>
<u> </u>	The arrangements for, and the cost of special or unusual travel will be the responsibility of:
Į.	Petitioner. Respondent. (Examples: trips by airplane, bus, or train to visit a distant parent, or
	travel by these methods for school trips.) OR
	Γhe following arrangements will apply:
	and the second and apply.
_	

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TELEPHONE CONTACT BETWEEN PARENTS AND CHILDREN

The parent with whom a child is <u>not</u> residing needs to make special efforts to stay in touch with the child; and the parent with whom a chid <u>is</u> residing needs to encourage the child to stay in touch with the other parent. In this section you will propose the arrangements for these communications.

Child Calling A Parent

A child may call the parent with whom the child is not residing:
At any time.
Weekdays between the times of:: a.m. / _ p.m. and: a.m. / _ p.m.
Weekends and holidays between the times of:: a.m. / _ p.m. and: a.m. / _ p.m.
Other:
Long distance calls from child to the parent will be paid for by
Parent Calling Child
A parent with whom a child is not residing may call the child:
At any time.
Weekdays between the times of:: a.m. / p.m. and: a.m. / p.m.
Weekends and holidays between the times of:: a.m. / p.m. and: a.m. / p.m.
Other:
Long distance calls from parent to the child will be paid for by
COMMUNICATION BETWEEN PARENTS
Parents need to regularly communicate with each other to provide the best possible care for their children, and to reduce the stress on the children. In this section you will propose the arrangements for these parent-to-parent communications.
FIVE REQUIREMENTS APPLY IN ALL CASES. Read each of these five requirements, and check the boxes to show you have read the requirements.
1. The parents will inform each other <u>as soon as possible</u> about all of the children's school, sports, and other activity schedules to ensure nothing interferes with the children's participation.
2. The parents will <u>always</u> let each other know their current residence addresses, mailing addresses, home, work, and emergency telephone numbers, and will notify each other within <u>24 hours</u> of any changes in these matters. <u>BUT</u> , this requirement does not apply in cases in which the <u>Family Court has allowed the withholding of identifying information</u> .
3. The parents will <u>never</u> say anything in the children's presence that would reduce the children's love or affection for either parent.
4. The parents will <u>never</u> allow any person in the children's presence to speak poorly of an absent parent.
5. The parents will <u>never</u> discuss disagreements or financial matters in the children's presence.

COMMUNICATION BETWEEN PARENTS (continued)

3. Don't use the children to communicate changes in the Parenting Plan arrangements. Proposals for handling non-emergency changes in Parenting Plan arrangements: A parent receiving a request for a change will never use a request for a change as a bargaining chip, or as a way to punish the parent making the request. A parent making a request for a change will make the request in person. by phone. in writing. by e-mail. A parent making a request for a change will make the request as soon as possible, but in any event, no less than	The next requirement is optional. (To propose it as a part of your Parenting Plan, check the box.)
CHANGES IN PARENTING PLAN ARRANGEMENTS As the children grow, their lives, activities, and schedules will change. In the short term, parents and children will have occasional, unavoidable changes in their schedules. From time to time, such changes will require changes in Parenting Plan arrangements. By agreeing ahead of time how these changes in the Parenting Plan will be handled, you can avoid the time and expense of going back to Family Court. Three rules always apply to changes. 1. If one parent requests a non-emergency change in the Parenting Plan arrangements, the parent receiving the request will decide whether to permit the change. 2. If a change in Parenting Plan arrangement is required because of an emergency, the parent with custody of the children at the time of the emergency does not require advance agreement of the other parent to make the change, but must notify the other parent of the emergency as soon as possible. 3. Don't use the children to communicate changes in the Parenting Plan arrangements. Proposals for handling non-emergency changes in Parenting Plan arrangements: A parent receiving a request for a change will never use a request for a change as a bargaining chip, or as a way to punish the parent making the request. A parent making a request for a change will make the request in person. by phone in writing by e-mail. A parent making a request for a change will make the request as soon as possible, but in any event, no less than before the change is to occur	
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CHANGES IN PARENTING PLAN ARRANGEMENTS (continued) A parent receiving a request for a change will respond in person. by phone. in writing. by e-mail. A parent requesting a change will be responsible for any additional child care or transportation costs caused by the change. Other arrangements: MILITARY PARENTS If one or both parents are members of the Navy, Air Force, Marine Corps, Coast Guard, National Guard or a reserve component of these services, then the parents shall provide the parenting arrangements while one or both parents are deployed for combat operations, a contingency operation, a natural disaster, or military school or training, based on orders that do not permit family members to accompany the parent. If a parent is deployed as provided above and said deployment substantially changes the parenting agreement, the parents agree the children will reside during the deployment with: Petitioner. Respondent. Other Individual(s): When the deployment is completed the parents agree to: Return to the parenting agreement prior to deployment immediately. Other: If a military parent is on break or leave during a deployment as described above then all reasonable efforts shall be made to allow parenting time for the military parent. ADDITIONAL TERMS AND CONDITIONS The Parenting Plan form is designed to cover most, if not all, necessary matters. However, if you want the plan to address subjects not covered by this form, you need to write a detailed description of the additional terms and conditions you want included in the plan. If you have no additional terms and conditions to include, you must check the following line. NO additional terms and conditions. Additional terms and conditions are:

SETTLING DISAGREEMENTS

Despite a good Parenting Plan, and the best intentions of the parents, disagreements may still arise from time to time. These disagreements will be harmful to the children, and to the parents. By agreeing in advance on a way to settle disagreements, you can avoid the time and expense of going back to Family Court. In this section you can propose how you want to settle any disagreements that may arise.

THE FAMILY COURT'S POWER TO ENFORCE PARENTING PLANS

Once the Family Court accepts and adopts a Parenting Plan proposed by the parties jointly or individually by one party, the plan becomes a Court Order, and <u>must</u> be obeyed. This means <u>both parents</u> <u>must abide by all of the terms and conditions of the Parenting Plan</u>. Even if one parent violates the Parenting Plan, <u>the other parent does NOT have the right to violate the plan in retaliation</u>.

WAYS IN WHICH THE FAMILY COURT CAN ENFORCE A PARENTING PLAN

If the Parenting Plan provides a remedy for a violation of the plan, the Court can use its power to enforce that remedy. If the Court thinks that remedy is inadequate, the Court can enforce another remedy of the Court's choosing.

If a parent interferes with the other parent's rights to custody or visitation, the Court can order make-up time to compensate for time missed with the children.

If a parent wrongly caused the other parent to miss time with the children, the Court can award monetary compensation for the missed time, and can award child care costs and other expenses caused by the missed time.

If a parent violates the Parenting Plan, the Court can modify the plan in favor of the parent who did not violate the plan. The Court can change custodial responsibility to favor the non-violating parent, or the Court can grant exclusive custodial responsibility to the non-violating parent. The Court can order a parent violating a Parenting Plan to submit to counseling. The Court can order a parent violating a Parenting Plan to pay a civil penalty up to \$100 for a first violation, up to \$500 for a second violation, or up to \$1,000 for a third violation.

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The Court can order a parent violating a Parenting Plan to pay the other parent's court costs, attorney's fees, and any other expenses that parent incurred to return to Family Court to enforce the Parenting Plan. You must sign the plan, and the Verification, which appears on this page following the signature lines. Signatures: (Petitioner and Respondent both sign only if submitting a Joint Proposed Parenting Plan.) Petitioner (Print Name.) Signature Date Respondent Signature (Print Name.) Date VERIFICATION (One parent signs Verification for Individual Proposed Plan. Both Parents sign Verification for Joint Proposed Plan.) after making an oath of affirmation to tell the truth, say that the facts I/we have stated in this Proposed Parenting Plan are true to the best of my/our personal knowledge and belief; and if I/we have provided information given to me/us from others, I/we believe that information to be true. Parent's Signature Date Parent's Signature Date This Verification was sworn to or affirmed before me on the _____ day of ______, 20_____, Notary Public / Other Official My commission expires:

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The Court can order a parent violating a Parenting Plan to pay the other parent's court costs, attorney's fees, and any other expenses that parent incurred to return to Family Court to enforce the Parenting Plan. You must sign the plan, and the Verification, which appears on this page following the signature lines. Signatures: (Petitioner and Respondent both sign only if submitting a Joint Proposed Parenting Plan.) Petitioner (Print Name.) Signature Date Respondent (Print Name.) Signature Date VERIFICATION (One parent signs Verification for Individual Proposed Plan. Both Parents sign Verification for Joint Proposed Plan.) I / we, after making an oath of affirmation to tell the truth, say that the facts I/we have stated in this Proposed Parenting Plan are true to the best of my/our personal knowledge and belief; and if I/we have provided information given to me/us from others, I/we believe that information to be true. Parent's Signature Date Parent's Signature Date This Verification was sworn to or affirmed before me on the _____ day of ______, 20_____. Notary Public / Other Official

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Review Date: 05/2014; Revision Date: 05/2014; T WVSCA Approved: 06/17/2014

My commission expires: